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Plate III.

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A

GENERAL HISTORY

OF

SCOTLAND,

FROM

THE EARLIEST ACCOUNTS

TO

THE PRESENT TIME.

By WILLIAM GUTHRIE, Esq.

VOLUME THE SEVENTH.

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MDCCLXVIII.

MVSEVM
BRITAN
NICVM

A GENERAL HISTORY OF SCOTLAND.

MARY.

THE earl of Lenox was ſtill reſiding in the weſt of Scotland; and Mary took the firſt opportunity, as appears by his own letters, which are ſtill extant, to acquaint him how zealous ſhe was to diſcover the murderers of his ſon. The earl, in return, acknowledges the pains ſhe had taken for that effect, and thanks her for aſking his advice and counſel. He then propoſes that ſhe ſhould aſſemble together the nobility and ſtates of Scotland, to diſcover and proceed againſt the murderers. Mary's anſwer is dated the next day; and informs him, that even before ſhe received his

A. D. 1567. Correſponds with the earl of Lenox.

Dated Feb. 20.

A. D. 1567. letter, ſhe had ſummoned a parliament, where an enquiry into the murder was to take the lead of all other buſineſs. The earl of Lenox,

Feb. 26. in reply to this letter, ſeems to diſlike his own propoſal of a parliament, and wiſhes, that the perſons named in the advertiſements ſhould be put into confinement. This, it muſt be confeſſed, was a pretty extraordinary requeſt upon an anonymous information. It appears by Mary's anſwer, that there was a great multiplicity of thoſe advertiſements; that they varied, and were ſometimes contradictory to each other. She offered, however, to grant a warrant for apprehending any one whom the earl ſhould pitch upon. This was a ſtrong proof of her ſincerity; and was ſtretching her authority as far as it ought to go, if not farther, unleſs an information againſt the party, or grounds of ſuſpicion, had been given in upon oath. In reply to this condeſcenſion of Mary, the earl expreſſed his ſurprize that the perſons named in the firſt advertiſement (the earl of Bothwell, Balfour, Chalmers, and Spence; and likewiſe in the ſecond, Baſtian, Bourdeaux, and Rizio's brother) were not put under confinement, eſpecially as he (the earl) ſuſpected them to be guilty. He was of opinion, that they ſhould be kept in priſon till the meeting of parliament, when proclamation ſhould be made for their accuſers to appear; and if none preſented themſelves, that the priſoners ſhould be ſet

at

at liberty. Mary agreed partly to this peremptory demand; for we find, that the twelfth of April was fixed, by her privy-council, for the trial of the earl of Bothwell, and the other ſuſpected perſons. In the mean time, no pains were ſpared in finding out the authors of the advertiſements; but none could be fixed on, excepting Murray abovementioned. Buchanan has been unreaſonably ſevere upon Mary for intereſting herſelf ſo much as ſhe did in diſcovering the authors of the advertiſements, inſtead of the authors of the murder. This is the moſt abſurd charge that can be well conceived *. A. D. 1567.

The Tolbooth of Edinburgh was the place appointed for the trial of Bothwell, before the earl of Argyle, hereditary lord high-juſtice, and four aſſeſſors; Robert Pitcairn, commendator of Dumfermling; the lord Lindſay, Mr. James Macgill, and Mr. Henry Balnaves. It Preparations for Bothwell's tryal.

* How could the guilty be found out without diſcovering their accuſers who were the authors of the advertiſements, or, as they are called in the original letters, tickets? But to convince any reaſonable perſon of Buchanan's malignity, let us ſuppoſe, that the like ſcene was now to happen in either part of the united kingdoms, could the government proceed in any other manner than that which was followed by Mary on this occaſion? The perſons named in the advertiſements were either guilty or not guilty. If the former, how could they be brought to juſtice, without the evidence of thoſe who undertook to prove them ſo? If the latter, how arbitrary and tyrannical muſt it have been to confine and try innocent perſons for ſo atrocious a crime, upon dark anonymous advertiſements? How eaſy is it to ſtab the moſt blameleſs perſon alive, if he has a ſecret enemy, upon ſuch an accuſation?

has

A. D. 1567. has been remarked, that the four aſſeſſors were among the bittereſt enemies Mary had in her dominions; nor can it be denied, that Bothwell, ſuppoſing him to have been innocent, appeared at his trial under great diſadvantages ariſing from the popular prepoſſeſſions againſt him, which had been thundered from the pulpits. Mary has been blamed (and if the facts were as they are repreſented, I think with reaſon) for ſuffering Bothwell, at this time, to appear as her favourite and firſt miniſter, and giving him poſſeſſion of the caſtle of Edinburgh, which ſhe prevailed upon the earl of Mar to reſign, by putting her ſon under his tuition. The indecency of all this muſt be admitted; but at the ſame time it is an undeniable fact, that Mary's ſworn enemies ſheltered, favoured, and acquitted Bothwell at the time of his trial. This being the caſe, what arts may we not ſuppoſe to have been made uſe of to miſinform and miſlead her? It is well known, that ſovereigns, in ſuch caſes, leave the forms and proceedings of trials to the proper officers and courts of juſtice; and if they ſcreened, or acquitted, the murderer, was ſhe to blame? That ſhe was in earneſt, I think appears ſtrongly by her laſt letter to the earl of Lenox, which, when the language is a little modernized, is as follows:

"Right truſty couſin and counſellor, we greet you well. We have received your letter

ter of Houſton the ſeventeenth of this inſtant, relative to our laſt writing ſent you, and ſpecially naming the perſons contained in the tickets, whom ye greatly ſuſpect. For the convention of our nobility and council, we have prevented the thing deſired by you in your letter, and have ſent for them to be at us in Edinburgh this week approaching, where the perſons nominate in your letter ſhall abide, and underly ſuch trial, as by the laws of this realm is accuſtomed; and being found culpable, in any wiſe, of that crime, and odious fact, nominate in the tickets, and whereof ye ſuſpect them, we ſhall even, according to our former letter, ſee the condign puniſhment as rigorouſly and extremely executed as the weight of that fact deſerves: for indeed (as you write) we eſteem ourſelf party, if we are reſolute (certain) of the authors; and therefore we pray you, if your leiſure and commodity may ſuit, addreſs you to be at us here in Edinburgh this week approaching, where you may ſee the ſaid trial, and declare the things which you know may further the ſame; and there you ſhall have experience of our earneſt will and effectuous mind to have an end in this matter, and the authors of ſo unworthy a deed really puniſhed, as far further in effect, as before this, and now preſently we have written and promiſed: and ſo for the preſent commits you to God."

A. D. 1567.

Mary's letter to Lenox.

The

A. D. 1567. The hiſtorians who are unfavourable to the memory of Mary and Bothwell, have all along ſuppoſed Bothwell to be guilty, and that Mary knew he was ſo; but ſtrong preſumptions lie againſt the latter ſuppoſition *, as no ſingle fact had appeared againſt Bothwell, on which a criminal proſecution could be grounded. The earl of Lenox reſided then about forty miles from Edinburgh; and according to the form of law proceedings in Scotland, he was, by virtue of the queen's warrant, ſent to her meſſengers, ſummoned at Edinburgh, on the twenty-ninth of March, to be preſent at the trial. On the thirtieth of the ſame month, and the firſt and ſecond of April, he was, in like manner, ſummoned at his houſes in Glaſgow and Dumbarton, and at Perth. It has been ſaid that theſe citations might have been given him ſooner; and that ſuch unneceſſary delay affords ſome cauſe of ſuſpicion. Without entering into the queſtion concerning the lateneſs of the citation, I ſhould be glad to know upon whom a ſuſpicion on that account ought to fall; upon Mary, or upon thoſe who were to manage the trial, and who afterwards accuſed her of the murder by the earl of Bothwell's agency? The earl of Lenox, in conſequence of his citations,

She is vindicated.

Robertſon.

* Our warm hiſtorians who are ſo liberal in condemning Mary, ought to reflect, that a man may be actually guilty of a crime, and ſuffer for it very wrongfully. Had Bothwell been hanged for Darnley's murder, without any other proof than the dark advertiſements, that muſt have been his caſe.

ſet out for Edinburgh; but arriving at Stirling, he wrote a letter to Mary, in a ſtrain which ſhews that he had received impreſſions greatly to her diſadvantage. He complained of an indiſpoſition which diſabled him from proceeding on his journey, and of not having time ſufficient to prepare for the trial. He therefore deſired that it might be delayed till he could aſſemble his friends, and be armed with evidence againſt the parties accuſed. He reflected, not obſcurely, upon the queen for ſuffering them not only to be at their liberty, but to remain in favour about her perſon, adding, that if the day of trial was not prolonged, no juſtice could be done; and beſeeching her majeſty to put the criminals under cuſtody. As this letter was dated the day prefixed for the trial, for which every thing was now ready, the earl's requeſt was refuſed. I ſhall not pretend to ſay how far this refuſal was legal or not; or whether Mary, conſidering the circumſtances of the caſe, if ſhe actually did receive ſuch a letter, and had a power to comply with his requeſt, ſhould not have granted it; nor whether the earl of Lenox, ſince the time of the murder's being committed, might not have procured ſufficient evidence againſt the accuſed. I am of opinion, however, that his conduct was inconſiſtent. If he was not provided with evidence, why did he proceed on his journey ſo far as Stirling, and defer his requeſt

A.D. 1567.

Letter from Lenox.

A.D. 1567. of having the trial put off till only a few hours before it was to have come on? He gave three reaſons for this delay, none of which have any relation to the other; and very poſſibly, Bothwell and his friends made uſe of them as arguments that he did not intend to proceed to a trial. His indiſpoſition ſeems to have been entirely fictitious, as no mention is made of it in the proteſt entered by his ſervant Cunningham, at the time of the trial. His deſign to have time for aſſembling his friends, that he might be preſent at the trial, carries with it no favourable intimation for preſerving the public tranquillity; nor did he name a perſon, whoſe precognitory evidence, a cuſtom which is admitted by the civil law in trials for murder, could fix upon the accuſed party a probable cauſe why he ſhould be confined in order to be capitally tried.

Account of Bothwell's trial.

According to ſome hiſtorians, the earl of Morton appeared at the bar, or in the ſame pannel * with Bothwell; and the names of the jury, or aſſiſe, were as follow: "Andro erle of Rothes, George erle of Caithnes, Gilbert erle of Caſſils, lord Johne Hamiltoun, commendator of Arbroith, ſone to the lord-duke, James lord Ros, Robert lord Simple, Johne Maxwell lord Heries, Laurence lord Oliphant, Johne

* That ſpace of a court of juſtice in Scotland, where priſoners ſtand while they are upon their trials. A pannel, likewiſe, ſometimes ſignifies an accuſed perſon.

maiſter

maiſter of Forbes, John Gordoun of Lochinwar, Robert lord Boyde, James Cokburne of Lantoun, John Somerwell of Cambuſnethan, Mowbray of Barnebowgall, Ogilbye of Boyne." The indictment ran for Bothwell's being "art and part of the cruel, odious, treaſonable, and abominable ſlaughter and murder of the umquhile (deceaſed), the right excellent, right high and mighty prince, the king's grace, deareſt ſpouſe for the time to our ſovereign lady the queen's majeſty, under ſilence of night, in his own lodging, beſide the Kirk of Field, within this burgh, he being taking the night's reſt, treaſonably raiſing fire within the ſame, with one great quantity of powder, through force of the which, the ſaid whole lodging was raiſed and blown in the air, and the ſaid deceaſed king was murdered treaſonably, and moſt cruelly ſlain and deſtroyed by you therein, upon ſet purpoſe, proviſion, and forethought felony; and this ye did upon the ninth day of February laſt by paſt, under ſilence of night, as ſaid is, as is notoriouſly known, which ye cannot deny." A.D. 1567.

The priſoner, the earl of Bothwell, appeared with his advocates; but when the proſecutor, the earl of Lenox, was ſummoned into court, Robert Cunningham, one of his ſervants beforementioned, entered a proteſt, in his maſter's name, againſt all judicial proceedings that day: the reaſons he alledges are, the ſhort- He is acquitted. Keith, p. 476.

A. D. 1567. neſs of the time, and his maſter not being ſufficiently provided with friends to appear on the occaſion. This proteſt was oppoſed by the earl of Bothwell and his advocates; and the jury, by the mouth of their foreman or chancellor, the earl of Caithneſs, acquitted Bothwell of the charge. The reaſon they give for this acquittal is pretty remarkable. They ſay that no writing, token, or verification, was brought before them in ſupport of the indictment; nor was it even ſworn to. In fact, therefore, Bothwell was acquitted by his jury from all ſuſpicion of acceſſion to the king's murder.

Reflections on the ſame.

Such was the trial (if any reader will admit it to have been ſuch) of Bothwell for this horrid murder. Were it poſſible to admit an idea of Bothwell being innocent of the charge, we could not heſitate a moment in pronouncing the proceedings to have been juſt and regular, as there was not a ſingle averment upon oath, tending to charge him with the guilt; and the very reaſon for putting off the trial at that time, which was no other than the notoriety of his crime, might have been urged, with equal efficacy, months, if not years, after. On the other hand, the conviction of his guilt, which muſt dwell on the reader's mind, gives a moſt ſuſpicious complection to the whole proceeding. There was undoubtedly a flaw in the indictment, which muſt have proved fatal to the proſecution, becauſe Darnley was murdered

dered on the tenth, inſtead of the ninth of February, as laid in the indictment. From this circumſtance it has been alledged, that if Lenox had appeared, and the fact been proved upon Bothwell, the indictment muſt have been quaſhed. I ſhall not here enter into the queſtion, whether the miſtake of an hour, or at moſt two, in the dead of a winter's night, would have been ſufficient to have ſet aſide a trial of ſo great conſequence; but ſuppoſing it had, was Mary to blame for the draught of the indictment, or thoſe officers of ſtate and juſtice within whoſe department the management of the proceedings lay? Nothing therefore can be more certain from hiſtory, that if there was any premeditated colluſion or deſign to acquit Bothwell, it proceeded from Mary's enemies, who intended thereby to ruin her, as will appear in the ſequel. A. D. 1567.

Conduct of the earl of Caſſils examined.

The ſhortneſs of the time allowed to the earl of Lenox for preparing evidence is a plauſible objection, which may be brought againſt the proceeding. Before any thing deciſive can be ſaid on that head, it ought to be conſidered, whether the law at that time allowed forty days notice, as Buchanan pretends, for the proſecutors to make good the charge. This is a diſcuſſion that belongs to lawyers; and I apprehend, when the queſtion is applied to a criminal proſecution before the juſtice-general, the allegation muſt fall to the ground. Other matters

A. D. 1567. matters of law ſeem to ariſe on the ſame occaſion. Archbiſhop Spotſwood, after Buchanan and Knox, ſays, "The earl of Caſſils excuſed himſelf offering the penalty which by the law they pay, that refuſe to paſs upon aſſize, but could not obtain himſelf freed, the queen threatening to commit him in priſon; and when he ſeemed nothing terrified therewith, commanding him, under pain of treaſon, to enter and give his judgment with the reſt." This is a fact of a pretty extraordinary, and indeed unintelligible, nature. Buchanan ſays, that the earl of Caſſils offered to pay the forfeiture uſually laid upon thoſe who declined ſitting in an aſſize. Could this forfeiture legally exempt him from ſitting? If it could, what occaſion had he to dread the queen's frowns or threats; or how could he be compelled to be preſent in a court, whoſe proceedings he foreſaw and deteſted? If Mary, as undoubtedly ſhe did, thought that the earl's abſenting himſelf proceeded from his conviction of Bothwell's guilt, why ſhould ſhe employ both blandiſhments and threatenings, if ſhe favoured the accuſed, to force his enemy to ſit upon his trial? Upon the whole, I think this ſtory confutes itſelf; and that archbiſhop Spotſwood, in relating it, implicitly followed Knox and Buchanan. Notwithſtanding all I have ſaid, I am far from acquitting Mary of indecency in ſuffering Bothwell to ſit (if he did ſit) at the coun-

cil-

cil-board, when the day of his trial was appointed; nor do I think that ſhe acted with propriety in retaining him about her perſon, and in her favour, after he was accuſed by the earl of Lenox of her huſband's murder. But I ſhall have farther opportunities of examining into the ſhare ſhe had before and after that cataſtrophe. A. D. 1567.

On the fourteenth of April, two days after Bothwell's acquittal, the parliament of Scotland met; and I perceive that among other members were the archbiſhop of St. Andrew's, the biſhops of Galloway, Dumblain, Orkney, and the Iſles. The firſt ſeſſion was held only by commiſſion; but on the ſixteenth the queen was preſent. It is remarkable, that the proteſtant religion received ſo ſtrong an eſtabliſhment in this parliament, that in the ſubſequent parliament held in December by Mary's enemies, it was there declared, that the queen had attempted nothing contrary to the ſtate of religion, which her majeſty found publicly and univerſally ſtanding at her arrival. This, however, muſt be underſtood of the ſpiritual conſtitutions of the church; for we cannot perfectly reconcile the ſeats which biſhops had in the legiſlature, and the reſtored juriſdiction of the archbiſhop of St. Andrew's, to that declaration *. It is therefore ſurprizing, that The parliament meets.

* Dr. Robertſon is candid enough to animadvert upon the miſtakes of Calderwood and Spotſwood, (which are indeed very remarkable)

A.D. 1567. archbiſhop Spotſwood, after ſo pregnant a teſtimony of the queen's ſincerity, ſhould ſay, that "in this parliament the commiſſioners of the church made great inſtance for ratifying the acts concluded in favour of the true religion, yet nothing was obtained." In this parliament, the forfeitures of the earls of Huntley and Sutherland, with thoſe of other gentlemen, who had been concerned againſt Mary in the battle of Corrichie, were reverſed, on account of the unformality of the ſentence. Many grants of lands, places, and offices, were ratified to noblemen and gentlemen, particularly to the earls of Murray and Morton: but one of the moſt remarkable acts of this ſeſſion took its riſe from what had lately happened in poſting up placades and advertiſements, or tickets. It is there ordained, that the perſon who firſt met with one † of thoſe papers ſhould

markable) when they mention this act; but he imputes the paſſing of it by Mary to the influence of Bothwell, who thought it might be the means of ſtopping the torrent of his unpopularity; "for, ſays he, to paſs ſuch an act was utterly inconſiſtent with all the maxims which Mary followed in every other period of her life." His ſuppoſition of a bad motive for doing a good thing is a dangerous principle in hiſtory; but with regard to the inconſiſtency of the act, with all the maxims which Mary followed in every other period of her life, the doctor's obſervation on that head is, I apprehend, fully confuted by the preceding acts of her government, and the ſolemn aſſurances ſo far back as the year 1561, at a time when Bothwell had no influence in her councils, that ſhe would preſerve the eſtabliſhed religion, which was proteſtantiſm, as ſhe found it.

† From the ſcope of this advertiſement, it would appear, that the papers complained of were manuſcript. I am not certain, whether

deſtroy it; and if it ſpread farther he was to ſuffer death, if it defamed the queen; and if any other perſon, to be puniſhed by impriſonment or otherwiſe, at her pleaſure, and according to the rank of the party traduced. In the ſame parliament, the forfeiture of one Balfour, who had been concerned in cardinal Beaton's murder, was repealed. A. D. 1567.

Upon the riſing of the parliament, a ſcene paſſed, which places not only Bothwell, but the chief of the Scotch nobility, in a moſt deteſtable light, even according to its moſt favourable repreſentation. Bothwell, without queſtion, was conſcious of his guilt, notwithſtanding his acquittal; and apprehenſive that facts might come to light, which would bring him to the puniſhment he deſerved. Little doubt can be made that the managers of his trial, his judges, and ſome of his jury, might dread the conſequences of their being confederated with him, if he was not ſupported to the utmoſt extent of his ambition, and their machinations. Every reader who peruſes the dying confeſſion of the earl of Morton, which I have already mentioned, muſt be ſenſible of this, as it cannot be ſuppoſed that he was the only man of conſequence in the kingdom whom Bothwell wanted to aſſociate with himſelf in the murder. To have deſtroyed Bothwell without ruining Mary

History of the famous bond.

whether the laws of England at this time do not favour the intention of this act, if they are carried into rigour.

A. D. 1567. at the ſame time, could not have anſwered their purpoſe; and no method could be ſo effectual for that, as by either perſuading or compelling her to marry him. The truth is, the high favour in which he ſtood, being then great admiral of Scotland, and lieutenant of all the marches, and having lately obtained a grant of the caſtle of Dunbar, and ſeveral large eſtates and honours, gave them no reaſon to think that ſhe would be violently averſe to this propoſal, provided ſhe was furniſhed with a decent pretext to comply with it; and in this her conduct was too unguarded. Bothwell therefore drew up a bond, in which the ſubſcribing parties fully aſſert his innocency, and promiſe to ſupport him to the utmoſt with all their friends and followers, againſt all who ſhould reproach, diſhonour, or defame him. They likewiſe bind themſelves to promote, with all their intereſt, a marriage between the queen and him, and to look upon all who ſhould oppoſe it as their common enemies. The paper itſelf is ſo full and explicit, and bears ſuch evidences of premeditation and pains-taking in drawing it up, that it would be unfair not to lay it before the reader in its original words*.

* "We under ſubſcryveand underſtanding, that although the nobill and mightie lord James erle Bothwell, lord Halis, Creightoun, and Liddiſdale, great admirall of Scotland, and lievetennent to our ſoverane lady over all the marches thairof, being not onlye bruitit and calumniat be placartes privilie affixit on the publick places of the kirk of Edinburgh, and uther wayes ſklanderit be his evill willaris, and privie enymeis, as airt and pairt

Previous to this deteſtable meaſure, Bothwell had, in a paper paſted up in the moſt conſpi- A. D. 1567.

pairt of the haynous murthour of the king, the quenes majeſties lait huſband, but alſo be ſpeciall letteris ſent to her hienes be the erle of Lennox, and delaitit of the ſamyne cryme, quha in his letteris earneſtlie deſyrit and requyreit the ſaid erle Bothwell to be tryit of the ſaid murthour, he be condigne inqueiſt and aſſiſſe of certane nobillmen, his peeares, and utheris baronnes of gud reputation, is fund guiltles and innocent of the odious cryme objectit to him, and acquite thairof, conforme to the lawes of this realme, quha alſo for farder tryell of his part, has offerit him reddie to defend and mantane his innocence, contrair all that will impugne the ſamyne be the law of armes, and ſua hes omittid nothing for the perfyte tryell of his accuſatione, that any nobillman of honor, or be the lawes ought to underlye and accompliſhe. And wee conſiddering the anciencie and nobillenes of his houis, the honorable and guid ſervice done be his predeceſſoris, and ſpeciallie himſelffe to oure ſoverane, and for the defence of this her hienes realme againis the enymeis thairof, and the amytie and friendſhipe quhilk ſa lang hes perſeverit betwix his houis, and everie ane of us, and utheris our predeceſſoris in particular; and therewithall ſeeing how all nobillmen being in reputation, honor and credite with their ſoverane, ar comonlie ſubject to ſuſtene aſweill the vaine bruites of the commone people inconſtant, as the accuſatioune and calumnies of thair adverſers, invyfull of our place and vocation, quhilk we of our dewtie and friendſhip are aſtrickit and debt bund to repreſs and withſtand; THAIRFORE oblies us, and ilk ane of us, upon our faith and honors, and treuth in our bodies, as we are nobillmen, and will anſwer to God, that in caſe heireftir anie maner of perſon or perſones, in quharſumevir manner ſhall happin to inſiſt farder to the ſklander and calumniatioun of the ſaid erle of Bothwell, as participant, airt or pairt of the ſaid hyneous murthour, quhairof ordinarie juſtice hes acquite him, and for the quhilk he hes offerit to do his devoire be the law of armes, in maner above reherſt; wee, and everie ane of us, be ourſelffes, our kyn, friendis, aſſiſtaris, partakeris, and all that will doe for us, ſall tak trew, effauld, plane and upricht pairt with him, to the defence and mantenance of his quarrell, with our bodies, heretage, and guids, againis his privie or publick calumnyatoris, by paſt or to cum, or onie utheris preſumeand onie thing in word or deed to his reproach, diſhonour, or infamie. MAIROVIR, weyning and conſiddering the tyme preſent,

A.D. 1567. cuous part of Edinburgh, challenged any perſon to fight him, who ſhould brand him with the king's murder. It has been obſerved, that this challenge was accepted of in another advertiſement, provided the queen of England and king of France could prevail upon Mary to protect the author and his friends, and appoint the day and place for the trial by law of arms. As the author of this advertiſement is,

and how our ſoverane, the quenes majeſtie, is now deſtitute of a huſband, in the quhilk ſolitarie ſtate, the commonweall of this realme may not permit her hienes to continew and indure, but at ſum tyme her hienes, in appearance, may be inclynit to yield unto a marriage; and thairfore, in caice the former affectionate and hartlie ſervice of the ſaid erle done to her majeſtie from tyme to tyme, and his uther gude qualities and behaviour, may move her majeſtie ſo farr to humble herſelf, as preferring ane of her native born ſubjectis unto all forrane princis, to tak to huſband the ſaid erle; wee, and everie ane of us underſubſcryve-and, upon our honors and fidelitie, oblies us, and promitts not only to farder, advaunce, and ſet fordwardt the marriage, to be ſolemnizat and compleitit betwix her hienes and the ſaid noble lord, with our voatis, counſell, fortificatioun, and aſſiſtance, in word and deid, at ſic tyme as it ſall pleiſe her majeſtie to think it convenient, and how ſone the lawes ſall leave it to be done; but in caice onie wald preſume directlie or indirectlie, opinlie, or under quharſumevir colour or pretence, to hinder, hold back, or diſturb the ſame mariage, we ſall in that behalf, eſteime, hald and repute the hinderaris, adverſeris, or diſturbaris thairof, as our comoune enimyis and evill willeris; and notwithſtanding the ſamyne, tak pairt and fortifie the ſaid erle to the ſaid mariage, ſo farr as it may pleiſe our ſaid ſoverane lady to allow; and thairin ſall ſpend and beſtow our lyves and guidis againes all that leive or die may, as we ſall anſer to God, and upon our awin fidelities and conſcience; and in caice we doe in the contrare, nevir to have reputatioun or credite in na tyme heireftir, but to be accounted unworthie and faithleſs traytors. In witnes of the quhilk, wee have ſubſcryveit thir preſents, as follows, at Edinburgh, the 19th day of Aprile, the Zezie of God, 1567 Zeires."

and

and was then, unknown, it ought not to have been treated with the regard it has met with from hiſtorians; nor was Bothwell (who probably ſet his name to his advertiſement) blameable for paying no regard to its contents. All that can be ſaid with juſtice is, that his challenge was a bravading prologue to the ſcene that followed. A. D. 1567.

On the nineteenth of April, the day on which the parliament was diſſolved, Bothwell invited the chief of the nobility and prelates to an entertainment, at a tavern kept by one Ainſlay, where he produced the bond already mentioned, and which they either ſigned, or promiſed to ſign. A copy of the bond, as preſented on the nineteenth, was ſent by Read, Buchanan's amanenuſis, to ſecretary Cecil, with the names of thoſe who ſubſcribed it, or rather of thoſe who promiſed to ſubſcribe it, according to his memory, which proved very fallible; for he inſerted among the ſubſcribers the earl of Murray, who was then undoubtedly in France. Next day, however, being the twentieth, the bond actually was ſubſcribed by the following perſons: the archbiſhop of St. Andrew's, the biſhops of Aberdeen, Galloway, Dumblain, Brechin, Roſs, the Iſles, and Orkney; the earls of Huntley, Argyle, Morton, Caſſils, Sutherland, Errol, Crawford, Caithneſs, and Rothes; the lords Boyd, Glamis, Ruthven, (he was the ſon of that Ruthven, It is ſubſcribed.

A. D. 1567. ven, who was ſo capitally concerned in Rizio's murder, and who died during his exile in the north of England) Sempil, Herries, Ogilvie, and Fleming. Such were the ſubſcribers to this infamous bond, as appears from an atteſted copy of the ſame, by Sir James Balfour, (who was poſſeſſed of the original) then clerk of the regiſter and council, ſtill extant in the Scotch college at Paris. This atteſted copy was ſent by him to queen Mary, as appears by a letter from him to her majeſty, dated the thirtieth of January 1581.

Mary vindicated from having any previous knowledge of it.

It has been pretended by many writers, and ſome of them affecting great candour and tenderneſs for Mary's memory, that the ſubſcriptions were obtained by Bothwell's planting an armed force round the tavern. Though this might happen on the nineteenth, when the entertainment was given, yet it could not operate on the twentieth, when the bond was ſigned *. I ſhall, however, be candid enough not to lay any great ſtreſs upon this date, becauſe it may be ſaid, that ſo ſolemn and ſumptuous an entertainment might have been pro-

* Dr. Robertſon ſays, that Bothwell ſurrounded the houſe with armed men; and refers for the fact to Goodall, the profeſſed advocate for the memory of Mary. Had Goodall admitted the fact, the preſumption muſt have been ſtrong againſt Mary; but upon inſpection, the reference regards a paper given in by the earl of Murray, and Mary's other proſecutors at York, ſome years after. The credit of that paper, however, muſt ſtand or fall with Mary's pretended letters and ballads addreſſed to the earl of Bothwell, which I think have clearly been proved to be forgeries.

longed

longed to the morning of the twentieth, when the bond was ſigned. Notwithſtanding this, I cannot imagine, that in the midſt of a populous capital, a man ſo deteſted as Bothwell was by the inhabitants, could have overawed ſuch a number of the nobility, by ſurrounding the houſe with two hundred men. As to the other means ſaid to have been made uſe of by Bothwell, by pretending the queen's conſent, I ſhall not controvert them. He might even pretend that he had a paper under her hand, whereby ſhe gave them licence to agree to the marriage*; but the inference is fallacious, in ſaying that ſuch a paper, really ſigned by Mary, ever actually exiſted. A modern hiſtorian ſays, that this ſtrange coalition muſt be conſidered as the boldeſt and moſt maſterly ſtroke of Bothwell's addreſs. I am apt to conſider it as the very reverſe, and that if he employed force to obtain his ends from perſons of ſuch oppoſite principles, intereſts, and perſuaſions, as thoſe who ſigned that bond, he diſcovered himſelf the weakeſt politician that ever was the dupe of ambitious hopes. Muſt not the lord Herries, and others who (according to our author) faithfully adhered to Mary through all the viciſſitudes of fortune, and deteſted her marriage with Bothwell, the moment they were at liberty, have proclaimed to all the

A.D. 1567.

Dr. Robertſon.

* See a letter to queen Elizabeth from her commiſſioners at York, the eleventh of October, 1568.

world

A.D. 1567. world that they were free from their obligations by the bond, becauſe they were extorted by force? Had not thoſe ſubſcribers who were equally Bothwell's and Mary's enemies, the ſame plea to urge? On the other hand, had Bothwell produced any authority from Mary for ſubſcribing the bond, would not her friends, when the contents of it proved ſo fatal to her, have pleaded her conſent, if not her order, as an apology for their ſubſcribing? The ſtrongeſt argument, however, in favour of Mary, ariſes from the paper, alledged to be ſigned by her, never having been judicially produced by her proſecutors, though, if ſuch a paper had really exiſted, it muſt have, even with her beſt well-wiſhers, been fatal to her cauſe. I ſhall ſoon have an opportunity of reſuming this ſubject, and conſidering the parts that were acted both by her and her enemies.

Murray, a few days before Bothwell's trial, obtained leave of the queen to go to France, and paſs through England in his way. This leave of abſence, at ſo critical a juncture, is by no means favourable to that opinion of firmneſs, piety, and patriotiſm, for which he had been ſo much celebrated by his admirers. The earl of Lenox had appealed to Elizabeth for juſtice upon his ſon's murderers, and for her interpoſition to obtain a farther day for the trial. Elizabeth certainly wrote to Mary for

for that purpoſe, and a copy of a letter, written in French, is ſtill extant; but there is ſome reaſon to think that it did not reach Mary's hand till after Bothwell's acquittal *. As to the earl of Lenox, he went privately by ſea to England. A. D. 1567.

The part which Mary acted after Bothwell had obtained the ſcandalous bond, is the moſt ſuſpicious and the leaſt defenſible, as well as the moſt fatal, ſtep of her conduct throughout her unfortunate life. It receives however ſtrong alleviations, if we admit, as I can ſee no reaſon to the contrary, that ſhe thought the bond given at Ainſlay's houſe to contain the real ſentiments of the ſubſcribers, and that Bothwell was the only man in the world who ſhe could entruſt with her own and her infant ſon's ſafety. If we are to believe the author of Melvil's Memoirs, ſhe was inexcuſable, even admitting that to be the caſe †. He tells us, that Miſconduct of Mary.

* The letter, according to Cecil, was dated on the eighth of April, and the trial was on the twelfth. I ſhall juſt here obſerve, in corroboration of what I have ſaid in a former note, that Elizabeth, in this letter, gives Darnley no higher title than "mort gentilhomme, the deceaſed gentleman."

† Mr. Goodall has given his reaſons for thinking Melvil to have been a very improper evidence againſt Mary, becauſe his father was condemned by the Scotch parliament, in the year 1548, for his treaſonable correſpondence with the Engliſh, and becauſe he introduced Rookeſby to Mary, as well as becauſe he actually had a penſion from Elizabeth. For my own part, thoſe reaſons weigh far leſs with me than the doubts I have expreſſed before concerning the authenticity of thoſe Memoirs, and the manner in which they were uſhered into the world. I cannot believe, from the various contradictions they contain to the cleareſt hiſtorical evidences, in matters ſuppoſed to have been tranſ-

A. D. 1567. "my lord Herries, a worthy nobleman, came to Edinburgh, well accompanied, and told her majeſty what reports were going through the country of the earl of Bothwell's murdering the king, and how that ſhe was to marry him; requeſting her majeſty moſt humbly upon his knees to remember her honour and dignity, and the ſafety of the prince, which all would be in danger if ſhe married the ſaid earl; with many other great perſuaſions, to ſhew the utter wreck and inconveniences would be thereby occaſioned. Her majeſty appeared to wonder how theſe reports could go abroad, ſeeing, as ſhe ſaid, there was no ſuch thing in her mind."

Animadverſions upon Melvil's Memoirs.

It requires but little knowledge of the Engliſh tongue not to perceive, that the language of the above paſſage could not be that of Sir James Melvil, who had ſpent his life between the courts of France and Scotland; and the ſame obſervation holds good with regard to the whole work. But was not that the caſe, the moſt unanſwerable evidences remain that the

acted by the author himſelf, that Sir James Melvil wrote the whole. At the ſame time, ſuppoſing that he did, I cannot think Mr. Goodall's arguments concluſive for his being a ſpy for, and in the intereſt of, Elizabeth. Many paſſages of the Memoirs are ſo far from being favourable to the memory of that great princeſs, that they place her conduct in an odious, and ſometimes ridiculous light; neither can I ſee what end Melvil could propoſe, either in blackening Mary or favouring Elizabeth, in a work that probably never was intended for the public, of which one copy only is ſuppoſed to have been left, which was not printed till a hundred years after the ſuppoſed author's death.

fact

fact here mentioned cannot be true. Herries, A. D. 1567.
who was a man of the moſt ſtubborn virtue of any of Mary's friends, not only ſigned the bond which attends this, but the marriage articles between her and Bothwell; and he was one among others, who thought, at that time, that Bothwell was ignorant of Darnley's murder; and that, as will appear by his after-conduct, it was contrived and perpetrated by Murray and Morton. The ſame memoir-writer pretends that he "took his leave of Mary, fearing the earl of Bothwell ſhould get notice of their meeting; that he had fifty horſe with him; and that he cauſed each of them to buy a new ſpear at Edinburgh, and ſo rode home." Theſe little particularities could not here deſerve any notice, were it not to prove that Sir James Melvil either could not be the author of the paſſage, or that he muſt have dreamed the account he gives, when, in his old age, he was compoſing his Memoirs. Can it be imagined, that a nobleman ſhould enter at the head of fifty horſe into ſuch a town as Edinburgh; that he could have a public and a long (for ſuch it muſt have been) audience of her majeſty; and then hurry away left the earl of Bothwell, who was then the ſole director of the court, and upon the ſpot, ſhould hear of their interview? A modern hiſtorian is ſo candid as to allow, that Melvil may have committed ſome miſtake with regard to lord Herries, but that Dr. Robertſon.

A. D. 1567. he could not be well miſtaken with regard to what he himſelf did. I ſhould willingly admit the apology for the miſtake, did not the very particular circumſtances attending the narrative, render it almoſt impoſſible that it could ariſe from ignorance or inadvertency.

Their authenticity diſproved. Melvil next introduces himſelf upon the ſtage, as acting the ſame part he has aſſigned to lord Herries. He mentions "one Biſhop, a Scotchman, who had been long in England, and was a great perſuader of many in England to favour her majeſty's title. He uſed oft to write unto my brother and me informations and advertiſements. At this time, in his letter to me, he uſed even the like language that my lord Herries had ſpoken, but more freely, becauſe he was abſent in another country. He adjured me to ſhew the ſaid letter unto her majeſty, declaring how it was bruited in England that her majeſty was to marry the earl of Bothwell, who was the murderer of her huſband, who at preſent had a wife of his own, a man full of vice; which reports he could not believe, by reaſon that he judged her majeſty to be of far greater knowledge than to commit ſuch a groſs overſight, ſo prejudicial every way to her intereſt, and the noble mark he knew ſhe ſhot at: ſeeing, if ſhe married him, ſhe would loſe the favour of God, her own reputation, and the hearts of all England, Ireland, and Scotland, with many other diſſuaſions and examples

examples of hiſtory which would be tedious to rehearſe." We are next told that the author carried the letter to the queen, who ſhewed it to Ledington; that ſhe told him it was "a device of his own, tending to the wreck of the earl of Bothwell;" and that Ledington ſaid, he "had done more honeſtly than wiſely; and therefore I pray you (ſays he) retire diligently, before the earl of Bothwell comes up from his dinner." We are next entertained with a long circumſtantial account of his abſconding for fear of being aſſaſſinated by Bothwell, till the queen, with great difficulty and diſſatisfaction at the latter's conduct, obtained his pardon from the imperious regicide. A.D. 1567.

I am ſo ſingular as to own, that I think the whole of this ſtory is penned with the ſame view as that of lord Herries; and that it is either a fiction of the pretended author, or an interpolation of his copyiſts or editors. My reaſon is, that Mary having the ſolemn acquittal of Bothwell, and the ſtrong aſſociation of her principal nobility in his favour, lying before her, muſt be preſumed to believe him innocent of her huſband's murder, and to think that they were of the ſame opinion. I ſhall, in conſequence of this ſuppoſition, admit, that ſhe began now to think that the advice given her to marry Bothwell, might be politically right. I cannot however imagine, that ſhe could have any amorous affection for a debauchee of ſixty years

A. D. 1567. years of age, who had diſſipated his fortune in courting her mother twenty-four years before, and worn out his conſtitution by his exceſſes. As it does not appear from any poſitive evidence produced by Mary's enemies, excepting the blind advertiſements already mentioned, and which had been ſolemnly condemned, that ſhe had an opportunity of knowing Bothwell's guilt, ſituated as ſhe was, with the papers already mentioned before her; ſhe muſt have been acquitted of any criminality, had ſhe liſtened to what ſhe thought was the free and uninfluenced voice of her nobility. It was therefore neceſſary to take from her every pretext of ignorance, by inventing two previous warnings given her againſt the deteſtable marriage *. I muſt therefore be of opinion that Melvil's application to Mary, by Biſhop's letter, is a fiction, invented after her miſeries commenced. I am the more convinced of this, as the writer of the Memoirs, who was upon the ſpot, never could omit, through ignorance, all mention of the aſſociation in

* To what I have already ſaid concerning the authenticity of Melvil's Memoirs, I muſt add, that my doubts extend to every poſthumous publication of the ſame kind, when the writing of the author is not produced and aſcertained. Clarendon and Burnet ſeem to have been ſenſible of this, by conſigning the manuſcripts of their poſthumous publications to be preſerved in the repoſitories of learning which are acceſſible. This, I apprehend, is not the caſe with Whitlock and Ludlow's Memoirs; ſo that ſome doubts ſtill hang about the mind as to the fidelity of their editors, who certainly were party-men, however unexceptionable they might be in their private characters.

Bothwell's

Bothwell's favour, though it certainly was well known to Sir James Melvil, who, in his epiſtle to his ſon ſays, "Had I not more regarded my princeſs her intereſt than my own, I ſhould have accepted the large offers made me by the earl of Bothwell, when he deſired me to ſubſcribe, with the reſt of his flatterers, that paper wherein they declared it was her majeſty's intereſt to marry the ſaid earl; but I choſe rather to lay myſelf open to his hatred and revenge, whereby I was afterward in peril of my life; and tell her majeſty, that thoſe who had ſo adviſed her, were betrayers of her honour for their own ſelfiſh ends, ſeeing her marrying a man commonly judged her huſband's murderer, would leave a taſh upon her name, and give too much ground of jealouſy that ſhe had conſented to that foul deed †." A.D. 1567.

† I am ſorry that I am obliged to deſcend into hiſtorical criticiſm when I treat of this reign; but without examining into facts, how can they be aſcertained? Syſtematical writers, who form their narratives upon former hiſtorians, according to their own particular caſt of thinking, or ſtations in life, are above canvaſſing facts, and take every thing by the lump; but as I differ from them, I think the public has a right to require my particular reaſons for ſo doing.

It may be aſked, what reaſon had Sir James Melvil or his editors to interpolate any thing that could aſperſe Mary, as the work did not appear in publick till 1683? To this I anſwer, that the Memoirs end at the birth of James the ſixth, and firſt of England's, eldeſt ſon, when parties at court, and indeed all over the nation, were much divided upon the ſubject; ſome through opinion, but many more from intereſt. Even at the time when the Memoirs were publiſhed, and to this day, the minds of men were and are heated by the names of the hiſtorians who have drawn their pens againſt Mary's memory, without ever pretending

to

A. D. 1567. But I am now to return to that part of Mary's conduct, which I pronounce to be the moſt indefenſible, and which, it muſt be acknowledged, carries with it much appearance of intrigue and preconcert.

Bothwell carries Mary a captive to the caſtle of Dunbar.

Bothwell, as being ſole lieutenant of the borders, never could be at a loſs for a pretext to keep up a body of armed men about his own perſon. A weak man (for he never gave any ſpecimens of abilities in buſineſs) like him, intoxicated with vanity and ambition, thought that he was now above all law; and we can impute his conduct only to the reluctance which Mary might ſtill expreſs to giving him her hand in marriage. I ſhall not pretend that that reluctance was very ſevere; but it certainly was ſuch as ſuggeſted to him the thought of offering her a gentle force to induce her to accompliſh his deſires. In leſs than two days after he had obtained his bond, Mary went to Stirling to ſee her ſon, who remained there, under the earl of Mar's care. Bothwell took that opportunity of aſſembling about a thouſand horſe, on pretence of making an expedition to Liddeſdale; but inſtead of marching ſouthwards,

to ſearch into records for facts; and only becauſe Rapin believed in De Thou, who was entirely guided by Buchanan, who had a palpable intereſt, and was well rewarded for defaming her. I might, perhaps, bring this hiſtorical genealogy down to much later times, and ſhew how it branches out in every department of literature, where the idea of Mary is always connected with that of an adultreſs and a murderer, only becauſe it has been the fashion with popular hiſtorians.

he

he turned aſide towards the weſt, and, at a bridge over Almond water, ſcarcely a mile from Edinburgh, he met her majeſty ſlightly attended; and, taking hold of her horſe's bridle, he carried her, together with the earl of Huntley, ſecretary Maitland, and Sir James Melvil, who were of her train, in cuſtody to Dunbar, the reſt of her attendants being ſuffered to go free. As Mary ſeems to have made no reſiſtance or complaint of the force that was put upon her, there is too much reaſon to believe that ſhe was in the concert. Melvil next day was permitted to go home; and one captain Blackader, who had the cuſtody of him, told him, that all that had been done was with the queen's conſent. A. D. 1567.

An obſtacle to Bothwell's making Mary his wife ſtill remained, which required the moſt conſummate audacity to remove. He had been married only ſix months before, to the lady Jane Gordon, ſiſter to the earl of Huntley, who ſeems to have been a wife very convenient for his purpoſe; and I muſt be of opinion that ſhe and her family were the great inſtruments of crowning Bothwell's ambition. Two proceſſes of divorce were actually inſtituted before two different courts. In the one, which belonged to the archbiſhop of St. Andrews, the judges appointed were, Robert, biſhop of Dunkeld, William, biſhop of Dumblain, Archibald Crawfurd, parſon of Eggleſham, John Manderſon, Bothwell divorced from his wife.

A. D. 1567. canon of the collegiate church of Dunbar, Alexander Crichton and George Cook, canons of Dunkeld. In this court the divorce was granted, on account of the earl of Bothwell and his counteſs being in the fourth degree of conſanguinity, they not having obtained any diſpenſation from Rome for their marriage. I obſerve, however, on conſulting a paper publiſhed by a reverend hiſtorian, that only two of the commiſſioners, Crawfurd and Manderſon, were preſent during the proceſs, and that Manderſon alone pronounced the infamous ſentence. The other was the conſiſtorial court, which had been eſtabliſhed by the queen, and the judges were Mr. Robert Maitland, Mr. Edward Henryſon, Mr. Alexander Sim, and Mr. Clement Little, all of them proteſtant lawyers. In this court the counteſs of Bothwell was the proſecutor for a divorce from her huſband, on account of his adultery with one Crawfurd, her ſervant; and ſentence was accordingly pronounced in her favour *.

Dr. Robertſon.

His impoliſtic conduct.

We are now to conſider Mary in the light of a priſoner, and therefore not miſtreſs of herſelf or her actions. It is perhaps impoſſible to aſſign a cauſe for Bothwell's acting the farce of her captivity. It ſeems to have been the effects

* It is amazing that the writer of Melvil's Memoirs ſhould ſay, "I cannot tell how nor by what law he parted with his own wife, ſiſter to the earl of Huntley." Could ſuch a doubt fall from the pen of Sir James Melvil, ſituated as he was at that time?

of

of ignorance and intemperance, nor can it well be ſuppoſed that it happened without Mary's knowledge or conſent; and that is a conſideration which renders her conduct on the occaſion more inexcuſable, becauſe ſhe ought to have perſiſted in the ſtrongeſt reſentment towards a man who had dared to treat her ſo audaciouſly and diſreſpectfully. A little reflection ſoon convinced Bothwell that he had miſtaken his meaſures. The courts of juſtice were dubious whether they could proceed in their ordinary buſineſs, while their ſovereign was a captive. We are told by ſome hiſtorians, that a body of the nobility met at Stirling, from whence they ſent a meſſage to Mary, deſiring to know whether ſhe really was a captive againſt her will, in which caſe they would endeavour to ſet her at liberty; and that her anſwer was, that ſhe had indeed been carried off againſt her will, but that her treatment ever ſince had been courteous and agreeable. Whether this meſſage and anſwer paſſed or not is very immaterial, becauſe Mary's conduct, as it ſtands upon record, ſoon diſcovered the ſentiments ſhe had of Bothwell. The writer of Melvil's Memoirs ſays, that while ſhe was in Bothwell's cuſtody, a number of noblemen and gentlemen "ſubſcribed a paper, declaring that they judged it was much the queen's intereſt to marry Bothwell, he having many friends in Lothian, and upon the borders, which would cauſe good order to be A.D. 1567.

A. D. 1567. kept. And then the queen could not but marry him, ſeeing he had raviſhed her and lain with her againſt her will." This is a freſh inſtance how cautiouſly thoſe Memoirs are to be read, as the pretended author betrays ſuch ignorance in matters which could not have eſcaped the real author's obſervation. No ſecond bond of aſſociation appears upon record, nor indeed was any ſuch neceſſary.

He brings Mary back to Edinburgh,

Bothwell being apprized of his error, and of the invalidity of any marriage contracted with Mary while ſhe was his priſoner, reſolved to carry her to Edinburgh, after being ten days at Dunbar. During the journey ſhe had the appearance of one at liberty; but inſtead of lodging at the palace of Holyrood-houſe, he led her horſe by the bridle to the caſtle, where it was found neceſſary to finiſh what there is reaſon to believe was but too agreeable to Mary. Being preſented with the bond that had been ſigned at Ainſlay's, ſhe gave her conſent to the ſame in the following terms, the language being ſomewhat modernized: "The queen's majeſty, having ſeen and conſidered the bond above written, promiſeth, on the word of a princeſs, that ſhe, nor her ſucceſſors, ſhall never impute as crime or offence to any of the perſons ſubſcribers thereof, their conſent and ſubſcription to the matter above written therein contained; nor that they, nor their heirs, ſhall ever be called or accuſed there-

fore;

fore; nor yet the ſaid conſent or ſubſcribing be any derogation or ſpot to their honour, or they eſteemed undutiful ſubjects for doing thereof, notwithſtanding whatſoever thing can tend or be alledged in the contrary. In witneſs whereof her majeſty hath ſubſcribed the ſame with her own hand." A. D. 1567.

This conſent was the prelude to her deſtruction. Bothwell, as ſoon as it was obtained, demanded a publication of the banns of marriage with the queen. It does honour to the memory of Mr. Craig, one of the miniſters of Edinburgh, that he behaved on this occaſion with the ſpirit of a primitive confeſſor, in the cauſe of virtue and chriſtianity. He refuſed to publiſh the banns; and when brought before the council to give his reaſons, he mentioned the precipitate divorce of Bothwell from his wife, by colluſion of both parties; his ſudden contract with the queen after that divorce; and the ſhame that would attend her marrying a man who ſtood in the light of her raviſher, and was ſuſpected of being the murderer of her huſband. He concluded with an excellent advice to the members of the council, that they would endeavour to diſſuade her majeſty from ſo infamous a conjunction. His reaſons and exhortations not having the deſired effect, he carried them to the pulpit, till, at laſt, he was authoritatively enjoined ſilence.

and demands a publication of their banns of marriage.

Spotſwood.

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A. D. 1567. This oppoſition, and the manifeſt deteſtation in which the marriage was held by the public, did not avail. A prelate was found baſe enough to perform for favour, what a proteſtant miniſter had refuſed through conſcience. This was Adam Bothwell, biſhop of Orkney. It was however neceſſary, previous to the nuptials, the celebration of which was fixed to the fifteenth of May, that her majeſty ſhould appear in her court of ſeſſion, where the nobility about Edinburgh was aſſembled, and to make the following declaration, which, however ſhameful it may be thought to her memory, is of too great importance to the truth of hiſtory to be omitted here.

Edinburgh, May 12, 1567.

" The which day our ſovereign lady compeared perſonally in judgment, in preſence of the lords, chancellor, preſident, and whole lords of ſeſſion underwritten; that is to ſay, George earl of Huntley, lord Gordon and Badenoch, chancellor, &c. reverend fathers in God, John biſhop of Roſs, Alexander biſhop of Galloway, Adam biſhop of Orkney; Mr. William Baillie lord Provand, preſident, Mr. Alexander Dunbar dean of Murray, Mr. Robert Maitland dean of Aberdeen, Mr. David Chalmers chancellor of Roſs, Mr. Archibald Crawfurd parſon of Egliſham, Gawyn commendator of Kilwinning, Sir James Balfour of Pittendrich,

Pittendrich, knight, clerk of regiſter, Richard Maitland of Ledington, John Bellenden of Auchnoull, juſtice-clerk, knights, William Maitland, younger, of Ledington, ſecretary to our ſovereign lady, Mr. Henry Balnaves of Halhill, John Gledſtanes, and Mr. Edward Henerſon, licentiat in the laws; and alſo in preſence of John archbiſhop of St. Andrew's, William biſhop of Dumblain, David earl of Crawfurd, lord Lindſay, George earl of Caithneſs, John commendator of the abbey of Aberbrooth, Alexander commendator of Culroſs, Robert commendator of St. Mary Iſle, treaſurer, George lord Seton, Robert lord Boyd, and Simon Preſton of Craigmiller, knight, provoſt of Edinburgh; being informed of before, that the lords of ſeſſion made ſome doubt and ſtop to ſit for adminiſtration of juſtice to the lieges of this realm, in reſpect that her highneſs was taken and holden in Dunbar by James earl Bothwell, lord Halis and Crichton, and certain others his complices, contrary to her majeſty's will and mind. And now the queen's majeſty, for declaration of her mind therein, has allowed the foreſaid lords of ſeſſion for doing of juſtice to her highneſs lieges ſince the time aforeſaid; and further, has in like manner declared, and declares, That albeit her highneſs was (commovit) offended for the preſent time of her taking, at the ſaid earl Bothwell: and ſince, by his good behaving towards A.D. 1567.

A. D. 1567. towards her highneſs, and having ſure knowledge of his thankful ſervice done by him in time paſt, and for more thankful ſervice in time coming, that her highneſs ſtands content with the ſaid earl, and has forgiven, and forgives him, and all others, his complices being with him in company at the time aforeſaid, all hatred conceived by her majeſty for the taking and impriſoning of her at the time aforeſaid. And alſo declares her majeſty to be at her freedom and liberty, and is minded to promote the ſaid earl to further honours, for his ſervice aforeſaid. And Mr. David Borthick, procurator for the ſaid earl, aſked inſtruments hereof."

The queen is married to Bothwell.

In conſequence of the above declaration, Mary created Bothwell, whom we may now call her bridegroom, duke of Orkney, a day or two before her marriage. On the fifteenth of May, the day appointed for their fatal nuptials, they were celebrated, according to the Reformed manner, in the council-chamber, within the palace of Holyrood-houſe, by Adam Bothwell, formerly biſhop of Orkney, a worthleſs eccleſiaſtic, who had renounced his epiſcopal orders, and had devoted himſelf to the new duke. Bothwell's behaviour, after marriage, was brutal beyond belief; and the reflections of the diſgrace ſhe had brought upon herſelf were ſuch, that Mary was even heard to threaten to put an end to her own life, that

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ſhe might be delivered from his tyranny, either by ſtabbing or drowning herſelf. If we are to believe the writer of Melvil's Memoirs, he intended to have obtained the cuſtody of the young prince; but the earl of Mar refuſed to deliver him up, without an order from the three eſtates. Bothwell's influence in the government, however, was ſo great, that the earl was obliged to conſult with Melvil upon the means of preſerving the prince from the hands of his father's murderer. Melvil adviſed him to apply to Sir James Balfour, the governor of Edinburgh caſtle under Bothwell, who had reſolved to deprive him of that charge, becauſe he was not ſo complete a villain as he wiſhed him, and had refuſed to be concerned in the murder of Darnley. Balfour offered to receive and protect the prince, upon condition that the laird of Grange ſhould defend him, if he was afterwards called in queſtion by the nobility. This was a pretty extraordinary condition; but, whether the fact was ſo or not, it is certain that Bothwell did his utmoſt to get poſſeſſion of the prince's perſon; and with what view may be eaſily conjectured, when we reflect upon his hardened villainy. A. D. 1567.

The form of the marriage (we are told) the very day it was celebrated, was repeated after the Roman catholic ritual, under every omen of public deteſtation. Not only Elizabeth, but the French king had earneſtly repreThe privy-council meets.

A. D. 1567. ſented to Mary the ſhameful circumſtances, and the fatal conſequences, of ſuch a match. Le Croc refuſed to be preſent during the nuptials, at which no perſon of credit or character aſſiſted. Notwithſtanding thoſe ſymptoms of general diſlike, Mary was more pitied than blamed. Her great ſubjects were conſcious to themſelves how inſtrumental they had been in miſleading her. The earls of Huntley and Crawford, the lords Fleming, Herries, and Boyd, the archbiſhop of St. Andrew's, and the biſhop of Galloway and others, ſtill aſſiſted at the meetings of the privy-council, which met two days after the marriage. The duke of Orkney's name was joined with that of Mary in all her public acts; and one of the firſt meaſures of the new adminiſtration was a revocation paſſed by Mary "of any writings that might have been purchaſed from her majeſty for permitting any perſons to uſe the old form of religion, becauſe ſhe intends inviolably to maintain the act publiſhed concerning religion, upon her ſafe arrival from France." During the courſe of the ſame month, William Chiſholm, biſhop of Dumblain, was named embaſſador to France, and furniſhed with a ſet of inſtructions, which ſome critics and hiſtorians have admired for their artful compoſition; though I can by no means be of their opinion, as they contain an apology for Mary's conduct too groſs to ſeduce the meaneſt underſtanding.

Mary's inſtructions.

underſtanding. This paper even ſets out with a falſhood, that Bothwell was one of the greateſt earls of the kingdom, and his family one of the firſt for reputation, on account of its nobility and antiquity. It then proceeds to a heavy, inconſiſtent, deduction of his ſervices to Mary and her mother, and the great art with which he had always conducted himſelf, till he procured the hands of all the nobility to the paper which authorized him to court her for marriage. This is the only allegation in thoſe famous inſtructions that deſerves the leaſt notice in hiſtory; the reſt of them are too affected and fulſome to admit of an extract; nor can I think that a woman of Mary's elegance and good ſenſe had any hand in the compoſition. Sir Robert Melvil, Mary's embaſſador at the court of England, was charged with a like ſet of inſtructions, but drawn with far greater art and addreſs, though compoſed, in the main, of the ſame materials. It is, however, of importance to mention, that Mary there alledges that Bothwell was acquitted both by the laws, and the ſenſe of parliament. Biſhop Leſley, in his Apology for Mary, repeats the ſame thing; but, as Mr. Keith very juſtly obſerves, no ſuch matter is to be ſeen in the parliamentary records. We can ſcarcely imagine that Mary and her miniſter would have averred ſo recent a fact to Elizabeth, had not A.D. 1567.

A. D. 1567. ſome vote, though perhaps not recorded, paſſed in Bothwell's favour.

Obſervations on the ſame.

The utmoſt that the warmeſt advocate for Mary can ſay on this occaſion is, that ſhe had no reaſon to believe Bothwell guilty of her huſband's murder; and that the opinion of his innocence was abſolutely confirmed under the hands of the nobility and others, who recommended him to her for a huſband. That theſe are facts, is paſt contradiction; nor are they to be invalidated by the moſt plauſible conjectures or ſurmiſes. The misfortunes of Mary at that time differed, perhaps, from that of any other woman, ever circumſtanced like her. She was ſurrounded by perſons whoſe intereſt it was to ſhut truth out, to keep her in the dark, and in ignorance of all that ſhe owed to her dignity as a queen, or her reputation as a woman. They pretended that ſhe had no ſafety but in marrying Bothwell; and the experience ſhe had of her people's temper and diſpoſitions, gave too fair a gloſs to the illuſion; though upon the whole it muſt be admitted, that her conduct, though not criminal, is indefenſible, as to prudence and decency.

Aſſociation of the nobility againſt Bothwell,

Soon after the conſummation of the marriage, the nobility who had been the moſt forward in forcing it upon Mary, entered into aſſociations for bringing her huſband to juſtice for Darnley's murder; nor do I find that Both-

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well had then a ſingle nobleman in Scotland, who had the courage to declare in his favour; an almoſt incredible proof of the public degeneracy. The ſecurity of the young prince became the faſhionable pretext for an aſſociation; and the parties were the earls of Argyle, Athol, Morton, Mar, Glencairn, the lords Lindſay and Boyd; and, according to ſome, the lords Hume and Semple, with the barons of Tullibardine and Grange. All the arts of Bothwell could not procure him any higher title than that of the duke of Rothſay, though his name continued to ſtand along with the queen's in public diſpatches; and he appeared at her court with a moſt faſtidious pomp, as the ſole vehicle of all her favours. On the twenty-eighth of May two proclamations were iſſued for repreſſing the robberies on the eaſt-borders, by which the inhabitants of the counties of Forfar, Perth, Stirling, Lanerk, Clacmannan, Kinroſs, and Fife, with thoſe of the counties of Strathern and Menteith, and other places, were ordered to attend her majeſty for fifteen days, in an expedition againſt the robbers, who are there denominated rebels. Thoſe proclamations being iſſued by the advice of her deareſt ſpouſe James duke of Orkney, gave riſe to public ſuſpicion; and it was immediately rumoured, that the queen intended to employ force to the ſubverſion of the laws againſt her nobility; and that the ſafety of her A. D. 1567.

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A. D. 1567. ſon, the prince, was moſt ſhamefully neglected. Mary therefore thought proper to publiſh a declaration, in the ſtrongeſt terms, of her regard to the laws, and the ſafety of her ſon. I mention this declaration the rather, as it is a convincing proof of the people's diſſatisfaction at their queen's marriage; neither can I think that the public ſuſpicion was groundleſs, tho' Mary herſelf might be ſincere.

who eſcapes. The aſſociation againſt Bothwell was all this while gaining ſtrength; and the name of a Scotchman, inſtead of reſpect as formerly, became a term of reproach through all Europe. Bothwell was ſenſible of his danger, and ſought to avoid it. Even the diſſolute court of France expreſſed an abhorrence of Darnley's murder, and the queen's marriage, if we are to believe the writer of Melvil's Memoirs, who ſays, that Le Croc had letters to that purpoſe from his king to the aſſociated lords. Though I am doubtful of this fact, yet it is certain that Bothwell's unpopularity did as much as his moſt violent enemies could have expected. The nation reſounded with lampoons and paſquinades, and he muſt have been ſurprized with the queen in the palace of Holyrood-houſe, had he not been forewarned of his danger by an unknown hand, the earl of Argyle moſt probably, who perhaps ſtill retained a tenderneſs for Mary. Their diſappointment, far from daunting, rendered the aſſociators more united; for they

they aſſembled two thouſand horſe, with which they intended to beſiege the caſtle of Borthwick, from whence the queen and Bothwell eſcaped to Dunbar, where they were in more ſecurity. The aſſociated lords, upon this, marched to Edinburgh, where the earl of Huntley, the lord Boyd, the archbiſhop of St. Andrew's, the biſhop of Roſs, and the abbot of Kilwinning, who were not of the aſſociation, reſided. They offered to aſſiſt the citizens in defending the town; but finding them otherwiſe diſpoſed, they took refuge in the caſtle, while the confederates forced open one of the city gates, and publiſhed the following proclamation: A. D. 1567.

Canongate, June 11, 1567.

Proclamations by the noblemen.

"That whereas the queen's majeſty being detained in captivity, was neither able to govern her realm, nor try the murderer of her huſband; we of the nobility and council command all the ſubjects, ſpecially the burghers of Edinburgh, to aſſiſt the ſaid noblemen and council in delivering the queen, and preſerving the prince, and in trying and in puniſhing the king's murderers. And we command the lords of ſeſſion, commiſſaries, and all other judges, to ſit and do juſtice, according to the laws of this realm, notwithſtanding any tumult that may ariſe in the time of this enterprize: with certification to all who ſhall be found

A. D. 1567. found acting contrary to theſe proceedings, that they ſhall be reputed as fautors of the foreſaid murder, and puniſhed as traitors."

The day after, another proclamation, dated from Edinburgh, to the like purpoſe, was iſſued; but charging Bothwell with an intention to murder the young prince. The date of the laſt proclamation ſufficiently proves that the aſſociated lords were then maſters of Edinburgh; and the records of that city contain a kind of an apology for the citizens admitting them into their community. The deteſtation which all ranks and degrees of people entertained of Bothwell was eminent on this occaſion; but the good opinion they had of Mary, who they thought was under the power of witchcraft or illuſion, brought great numbers to declare in her favour. She was fatally hurried on to her perdition by her worthleſs huſband; and inſtead of remaining in the ſtrong caſtle of Dunbar, which the aſſociators were in no condition of reducing, ſhe moved towards Edinburgh, at the very time when the aſſociated lords were in deſpair, preparing to ſeparate and to provide for their own ſafety. On the fourteenth of June ſhe arrived with Bothwell at Seton; and next day a proclamation was read at the head of her army to the following purpoſe:

Proclamation by Mary.

"That a number of conſpirators having diſcovered their latent malice borne to her and the

the duke of Orkney her huſband, after they had failed in apprehending their perſons at Borthwick, had made a ſeditious proclamation, to make people believe that they did ſeek the revenge of the murder of the king her late huſband, and the relieving of herſelf out of bondage and captivity, pretending that the duke her huſband was minded to invade the prince her ſon; all which were falſe and forged inventions, none having better cauſe to revenge the king's death than herſelf, if ſhe could know the authors thereof. And for the duke her preſent huſband, he had uſed all means to clear his innocency, the ordinary juſtice had abſolved him, and the eſtates of parliament approved their proceedings, which they themſelves that made the preſent inſurrection had likewiſe allowed. As alſo he had offered to maintain that quarrel againſt any gentleman on earth undefamed, than which nothing more could be required. And as to her alledged captivity, the contrary was known to the whole ſubjects, her marriage with him being publicly contracted and ſolemnized with their own conſents, as their hand-writs could teſtify. Albeit to give their treaſon a fair ſhew, they made now a buckler of the prince her ſon, being an infant, and in their hands; whereas their intention only was to overthrow her and her poſterity, that they might rule all things at their pleaſure, and without controul- A.D. 1567.

A. D. 1567. ment. Seeing therefore no wilfulneſs, nor particularity, but very neceſſity has forced her to take arms for defence of her life, as her hope was to have the aſſiſtance of all her faithful ſubjects againſt thoſe unnatural rebels, ſo ſhe doubted not but ſuch as were already aſſembled, would with good hearts ſtand to her defence, conſidering eſpecially the goodneſs of her cauſe, promiſing them, in recompence of their valorous ſervice, the lands and poſſeſſions of the rebels, which ſhould be diſtributed according to the merit of every man."

Nothing could be worſe judged than this proclamation, which was directly againſt the conviction of the public. Other proclamations are ſaid to have been iſſued, promiſing rewards to ſuch of her party as ſhould kill an earl, a lord, a baron, or a yeoman, according to their ſeveral ranks. Upon the whole, I am inclined to believe, that Mary had no manner of concern in the proceedings which were authorized by her name, and that they were entirely owing to the madneſs and ſtupidity of Bothwell. She had, before ſhe came to Seton, been reduced to the meanneſs of accompanying her deteſtable huſband in men's cloaths. Neither this indecency, nor the aggravated circumſtances attending her marriage, could ruin her in the eſteem of her ſubjects. All of them agreed in ſeparating her caſe from that of her huſband; nor durſt the moſt determined

termined of the aſſociated lords expreſs any other ſentiments. As to Bothwell, the whole of his conduct was cowardly, bravading, and frantic, and ſuch as, I may venture to ſay, rendered him even deſpicable to Mary. Her army is ſaid to have been compoſed of about four thouſand men; but they were heartleſs and diſpirited, becauſe they could not ſeparate her cauſe from that of her odious huſband. The army of the aſſociated lords exceeded hers in diſcipline, if not in numbers, and were ſupplied from Edinburgh with plenty of proviſions. She took up an advantageous ground at Carberry Hill, about ſix miles to the eaſt of her capital; but ſhe eaſily ſaw that her buſineſs was to treat, and not to fight. Le Croc, the French embaſſador, interpoſed, and propoſed terms of accommodation, being impowered to offer a full pardon to the aſſociated lords. A perfect idea may be formed of the principles on which her enemies proceeded, by the reception of Le Croc's mediation. The earl of Morton, who was privy to her huſband's murder, took the lead in the negotiation, and inſiſted upon her majeſty giving up Bothwell to public juſtice. The earl of Glencairn, who perhaps was not ſo criminal, becauſe unconſcious of the guilt, gallantly added, "We are not come here to aſk pardon for any offence we have done, but rather to give pardon to thoſe that we have offended."

A. D. 1567.

Mary ſurrenders herſelf upon terms.

A. D. 1567. Le Croc ſaw that all negotiation muſt be ineffectual, and deſiſted. Notwithſtanding that, the aſſociated lords preſerved a wonderful moderation. Sir William Kirkaldy made a circuit round the eminence where Mary's army was encamped, and with two hundred horſe cut off all poſſibility of Bothwell's eſcaping to Dunbar. Her excellent ſenſe, by this time, convinced her of Bothwell's profligacy and incapacity. She deſired to ſpeak with Kirkaldy, who made great profeſſions of his, and his party's, duty towards her majeſty; but previouſly inſiſted upon her giving up the murderer of her huſband. Bothwell, or more properly ſpeaking the duke of Orkney, overhearing this propoſal, offered to fight any of his enemies in ſingle combat. Kirkaldy, the baron of Tullibardine, and lord Lindſay, offered to accept the challenge; but Mary, who at that time had undoubtedly conceived a true idea of her own unfortunate ſituation, prevented the combat. She ſaw the inclinations of her people, and diſmiſſed the wretch who had been the author of her ruin.

Her harſh treatment,

Kirkaldy having obtained leave of his party to hold a conference with Mary, made the ſtrongeſt profeſſions of their duty and loyalty towards her majeſty. She accepted of the terms; but what they were does not clearly appear. If we are to believe the writer of Melvil's Memoirs, they agreed to receive the queen

queen as their ſovereign, provided ſhe would diſcard Bothwell, (who accordingly gallopped off the field) and govern her people by the advice of her nobility. According to the repreſentation of her commiſſioners, which bears great appearance of truth, and, indeed, never was contradicted, they might eaſily have ſecured Bothwell; but Kirkaldy deſired him to make the beſt of his way, and promiſed that none ſhould purſue him. He accordingly rode off, in ſight of both armies, without moleſtation or purſuit. Upon the return of Kirkaldy to the ſpot where Mary was, "Laird of Grange (ſaid ſhe), I render myſelf unto you upon the conditions rehearſed to me in the name of the lords." She then ſtretched forth her hand, which he kiſſed, and led her horſe down the hill towards the aſſociated lords, who received her with the moſt profound reſpect. Morton, in particular, promiſed that they would all honour, ſerve, and obey her, as much as the moſt loyal of their anceſtors had their kings. Some of the common people offering to inſult her, Kirkaldy, and other officers of quality, drew their ſwords, and protected her with the approbation of all the heads of their party. Buchanan, in relating this event, inſinuates as if Bothwell's eſcape had been favoured by Mary; but he is inconſiſtent in his relation; and it is plain, from the ſituation of both armies, had the aſſociated lords been in earneſt, they

A. D. 1567.

Goodall, vol. ii. p. 162.

A. D. 1567. they could eaſily have intercepted Bothwell's flight to Dunbar, the only place where he could hope for ſhelter.

upon her arrival at Edinburgh. When Mary arrived at the aſſociated camp, ſhe made the lords a ſpeech to inform them, that ſhe had put herſelf in their hands only to avoid the bloodſhed of her ſubjects; and about ſeven in the evening ſhe entered Edinburgh. Here the ſcene was moſt diſmally reverſed. The common people ſeemed to forget not only that ſhe was their queen, but a woman. As ſhe went along the ſtreets, the moſt bitter execrations were poured forth againſt her; and it was with difficulty that her perſon was protected from violence. It was in vain that ſhe appealed to the nobility and the guards which ſurrounded her, and deſired to be carried to her own palace; for no regard was paid her, and ſhe was ſhut up in the houſe of a common burgher. She remonſtrated to the lords upon this treatment; and obtaining no redreſs, ſhe broke out into reproaches at their perfidy and ingratitude. She employed Maitland, her ſecretary, to talk with them; and ſhe offered to call a parliament, and to ſubmit every thing, as ſhe had promiſed, to the ſenſe of her nobility; but all her promiſes were to no purpoſe. When ſhe roſe next day, ſhe beheld at her window a white flag, in which was delineated the figure of the late king, lying dead under a tree, with the young prince, his ſon, on his knees,

knees, and a label from his mouth, containing the words, "Judge and revenge my cauſe, O Lord." The ſight of this banner, and of the ruffian guards ſurrounding the houſe, got the better of the ſpirit which Mary had hitherto exerted. She burſt into tears, and made a moſt affecting appeal to the citizens for relief againſt the traitors who had her in cuſtody. This pathetic addreſs, enforced by the powerful eloquence of ſorrow, had ſo wonderful an effect, that it turned the tide of popular affection in her favour; upon which the lords thought proper to reſume their diſſimulation, and they carried her, with great ſhew of reſpect, to her own palace of Holyrood-houſe. Mary, without reflecting on their deſign, made a ſignal to the people that ſhe was ſatisfied; upon which they ſeparated. No ſooner did ſhe reach the palace than they held conſultations in what manner to diſpoſe of her perſon; and it was at laſt reſolved to ſend her priſoner to Lochleven; a caſtle ſtanding in the middle of a lake, and in the poſſeſſion of thoſe whoſe intereſt it was that ſhe ſhould not eſcape. A. D. 1567.

She is ſent priſoner to the caſtle of Lochleven.

Murray's mother, who had been married to Douglas of Lochleven, was the miſtreſs of this fortalice (as it was very properly called). This lady had always ſhewn a particular enmity to Mary, and had at times pretended that ſhe had been lawfully married to James the

A. D. 1567. the fifth; and conſequently that her ſon, the earl of Murray, was the true heir of the kingdom. The lord Lindſay's lady was her daughter by her marriage with Douglas, who was the apparent heir to the earl of Morton, to whoſe eſtate his family afterwards ſucceeded. All thoſe, and many other, connections rendered this lady the moſt proper jailor for the unfortunate queen. To colour this atrocious act of rebellion and perfidy, they pretended that they intercepted a letter written by her to Bothwell, in which ſhe promiſed never to abandon him, though they might for ſome time be ſeparated. It undoubtedly was the intereſt of the conſpirators to pretend that Mary did write ſuch a letter; but had ſhe really done it, is it to be imagined that they would not have publiſhed it for their own vindication? In like manner they gave out, that ſhe appeared ſo extravagantly fond of Bothwell, that ſhe offered to leave the kingdom, provided ſhe could enjoy his company as a private woman; but even this report is of their own raiſing, and reſts upon their authority. Throgmorton, it is true, who was ſent by Elizabeth to confer with Mary, in one of his diſpatches intimates, that the conſpirators were afraid of being in a perpetual ſtate of warfare, on account of the affection ſhe ſtill bore to Bothwell; but he knew this only from the information of the conſpirators, and Mary's commiſſioners

Arts of her enemies to blacken her.

miſſioners afterwards flatly contradicted their reports. The only foundation they ſeem to have had, was a tenderneſs Mary had for her own reputation, becauſe ſhe imagined that ſhe was ſeven weeks gone with child; but Throgmorton does not pretend he had even that circumſtance from her own mouth. Admitting, however, that Mary had correſponded with Bothwell after his flight, is it ſurprizing that ſhe ſhould endeavour to avail herſelf of his aſſiſtance to regain her liberty, as ſhe found the terms upon which ſhe had ſurrendered, ſo groſly violated? A.D. 1567.

Kirkaldy reſents her uſage.

On the ſixteenth of June, the earls of Morton, Athol, Mar, and Glencairn, the lords Ruthven, Hume, Lindſay, Semple, with ſeveral other barons and gentlemen of their party, ſent an order for William Douglas of Lochleven to receive and detain within his fortalice and place the body of the queen, till the murder of her huſband could be tried. Kirkaldy reſented in pretty warm terms this treatment of Mary, which was ſo contrary to the negotiation he had concluded with her by their order. When they objected her attachment to Bothwell, he replied, "that it was no wonder if as yet ſhe gave him a few fair words; and that he would undertake, if they behaved to her with a becoming reſpect and tenderneſs, and repreſented Bothwell in the odious light he deſerved, ſhe would abandon and

A. D. 1567. deteſt him in a few days." The conſpirators gave Kirkaldy no ſatisfaction on this head; and the writer of Melvil's Memoirs ſays, that they produced the intercepted letter, which alone prevented his coming to an open breach with the party. I have already explained the credit due to thoſe Memoirs; but I cannot eaſily conceive that ſuch a letter (if they did produce it) was of Mary's writing, becauſe nothing can be more certain, as afterwards appeared, than that many of her enemies, or their dependents, knew how to counterfeit her hand.

A party formed in her favour.

Her captivity continuing, ſhe wrote an expoſtulatory letter to Kirkaldy, the contents of which the reader may eaſily conceive. He anſwered her in very plain terms; and exhorted her to aboliſh from her mind all tenderneſs and partiality for ſuch a monſter as Bothwell, whoſe lawful wife ſhe could not be. Upon the receipt of this letter, Mary is ſaid to have wept bitterly. The biſhop of Roſs, in his Apology for her, ſays, that ſhe was committed to the care of the lords Ruthven and Lindſay; the latter a man of a character remarkably brutal, who carried her in the night, in diſguiſe and homely apparel, to Lochleven. By this time, her diſtreſſes had touched the minds of many of her ſubjects; and among others, the lords of Seton, Yeſter, and Borthwick; the barons of Waughton, Braſs, Ormiſton, Wedderburn,

derburn, Blackader, and Langton. Thoſe noblemen and gentlemen are ſaid to have aſſembled a pretty conſiderable force, and narrowly miſſed reſcuing Mary in her journey to Lochleven. She now ſaw the reaſon of their pretended tenderneſs, in indulging her with her own palace; and that they would have found it a matter of great difficulty to have carried her out of her capital, where the inhabitants deplored her fate, and were every hour returning to their allegiance. A.D. 1567.

On the very day that the conſpirators ſigned Mary's commitment, they ſubſcribed an aſſociation, or bond, for reſcuing her out of the hands of Bothwell, (the meaning of which expreſſion is difficult, if not impoſſible, to underſtand) and for bringing him to puniſhment for Darnley's murder, and the force he had offered to the queen. Soon after this aſſociation was ſigned, a ſearch was made through the city of Edinburgh for certain perſons, who were ſuſpected of being concerned in the king's murder. Sebaſtian, a Frenchman, who had been named in the tickets or advertiſements abovementioned, and conſequently was a capital object for puniſhment, was taken; but found means to make his eſcape. Captain William Blackader, James Edmondſtoun, John Blackader, and one Fraſer, were likewiſe apprehended, and ordered to be put to the torture. They afterwards ſuffered death; but we know

An aſſociation againſt her and Bothwell.

Keith, p. 407.

A. D. 1567. know of no confeſſion they made which could prove Mary to have the leaſt foreknowledge of her huſband's murder. One Dalgleiſh, a ſervant of Bothwell, was apprehended at the ſame time, and along with him the famous ſilver box, containing the love letters and ſonnets pretended to have been ſent by Mary to Bothwell, all which were publiſhed by Buchanan in his Detection, prefaced by the following memorandum: "That in the caſtle of Edinburgh there was left by the earl of Bothwell, before his flying away, and was ſent for by one George Dalgleiſh, his ſervant, who was taken by the earl of Morton, one ſmall gilt coffer, not fully one foot long, garniſhed in ſundry places with the Roman letter F, under a king's crown; wherein were certain letters and writings well known, and by oaths to be affirmed to have been written with the queen of Scots own hand to the earl." The letters contained in this box, which I ſhall often have occaſion to mention, are ſaid to have been eight in number, beſides the love-ſongs, and the whole written in French. The ſame box is likewiſe ſaid to have contained a promiſe of marriage made to the queen by Bothwell.

History of the famous ſilver box, which contained Mary's ſuppoſed letters.

The aſſociated lords, ever ſince the impriſonment of Mary, to give ſome conſiſtency to their proceedings, called themſelves the lords of the ſecret council. Their firſt meeting, as ſuch,

Proceedings of the ſecret council.

ſuch, was on the twenty-firſt of June; but inſtead of concerting any meaſures for bringing Bothwell to juſtice, they paſſed an act, commanding all the lords of ſeſſion, and the lawyers of every denomination, to repair to Edinburgh, where they were to proceed in the due and uſual adminiſtration of juſtice, with certification, that if they abſent themſelves, they ſhall be eſteemed as partakers with the authors of the king's murder, and puniſhed accordingly. By another act of the ſame date, all clients who had any ſuits depending upon the courts of law, were likewiſe ordered to repair to Edinburgh. From thoſe two acts it is plain, that the lawyers, and the ſubjects in general, as had happened in the caſe of Rizio's murder, did not think themſelves at liberty to proceed in the ordinary courts of juſtice, while their ſovereign was under conſtraint; a ſcruple, which was of the higheſt importance for the new government to remove. A. D. 1567.

It has been admitted by thoſe who are the moſt unfavourable to Mary's memory, that had ſhe remained, without marching towards Edinburgh, in the caſtle of Dunbar, and kept poſſeſſion of that and other forts, the aſſociation againſt her muſt have been daſhed in pieces, for want of being ſupported by arms, ammunition, and money. Mary had truſted too much to the ſucceſs which had always attended her, when ſhe took the field in perſon, without

who ſeize upon Mary's plate, furniture, and jewels.

A. D. 1567. out being acquainted with the general deteſtation of her ſubjects towards her huſband. She ſaw this when it was too late; but her enemies reſolved to avail themſelves of her miſtakes and their own good fortune. They ſeized upon all her rich furniture within the palace of Holyrood-houſe, as well as upon her jewels and plate. Her cupboard of the latter amounted to the weight of ſixteen ſtone, or two hundred and fifty-ſix pounds weight of ſilver, which they coined into ready money, and which, I ſuppoſe, was excluſive of her gold plate, and the font that had been ſent her from England. The furniture and ornaments of her chapel were demoliſhed by the earl of Glencairn and his ſervants, without any order from the ſecret council. This act of zeal was far from meeting with the approbation of the aſſociated lords, and the queen's party muſt have prevailed, had not her adverſaries been armed with her own money.

A coalition attempted, but it fails.

Knox, the preacher, and his brethren were employed to retrieve their popularity. Mary's friends aſſembled at Hamilton, where they made a formidable appearance. To draw them to Edinburgh, and to bring about, if poſſible, a coalition between them and the aſſociators, Knox and three of his brethren carried with them an invitation from the aſſembly of the kirk, that they would repair to Edinburgh, and aſſiſt in their proceedings on the twentieth of July.

This invitation had not the deſired effect. A.D. 1567.
The earls of Argyle and Huntley had deſerted the aſſociators, and joined with the aſſembly at Hamilton; and the general anſwer returned was, that they did not think themſelves ſafe to truſt their perſons within the walls of Edinburgh. It is uncertain where Bothwell reſided all this time; but, ten days, and no ſooner, after his eſcape from Carberry-hill, the caſtle of Dunbar was ſummoned by the lords of the ſecret council to ſurrender, and a reward of a thouſand crowns was ſet upon his head. It is probable, from ſome remaining fragments of the council's proceedings, that he eſcaped northwards by ſea; and that, after lurking for ſome time with his friend the biſhop of Murray, at his houſe at Spynie, he went to the Orkneys. It was, I ſuppoſe, ſoon after this that Kirkaldy fitted out two ſhips, with which he ſet ſail in purſuit of Bothwell, whom he would have taken, had not his too great eagerneſs run the ſhip, which carried himſelf, upon a ſhoal of ſand. This gave Bothwell an opportunity of eſcaping to Denmark; but Kirkaldy took his ſhips and his ſervants, who gave new lights into Darnley's murder, and brought them priſoners to Edinburgh *.

* Dr. Robertſon, in his Hiſtory, undoubtedly ought to have mentioned the tortures which were inflicted upon thoſe who were executed on account of Darnley's murder; which are of the utmoſt importance in this caſe.

The

A.D. 1567. The queen of England was not idle during this revolution in Scotland. Candour muſt acquit her of having any hand in the calamities of Mary, but perhaps ſhe was not entirely hearty in her profeſſions of ſerving her. As uſual, her conduct was artful and plauſible, but ſtill with an eye to her own intereſt; and ſhe employed Throgmorton, who was now fully reconciled to Leiceſter, to go as her miniſter to Scotland. If ſhe gave that miniſter no other inſtructions than what have come to our hands among Throgmorton's papers, her mediation was not only proper, but praiſe-worthy. He received his inſtructions on the thirtieth of June, and was ordered to promiſe Mary all her good offices in reſtoring her to her liberty; but he was likewiſe to expoſtulate freely with her upon the errors of her conduct. As I think ſome writers, warm advocates for Mary, have miſrepreſented Elizabeth's conduct on the occaſion, I ſhall give part of Throgmorton's inſtructions in her own words.

Throgmorton's inſtructions. "Now at the laſt, (ſays ſhe) this miſchief that hath followed in the end, after all theſe, hath ſtirred up in us a new alteration and paſſion of our mind, and hath ſo encreaſed and doubled our former ſorrow and grief of mind. Behold, ſuddenly, the raiſing an inteſtine trouble, in manner of war, betwixt her and her nobility and ſubjects, wherein finding her to have

have light into ſuch hard terms, that ſhe is reſtrained by her nobility and ſubjects as we hear from her liberty, our ſtomach ſo provoked, we have changed our former intention of ſilence and forbearing to deal in her cauſes; firſt, to an inward commiſeration of her, our ſiſter, for this laſt calamity; and next, to a determination to aid and relieve her by all poſſible means for the recovering of her to her liberty, and not to ſuffer her, being by God's ordinance the prince and ſovereign, to be in ſubjection to them that by nature and law are ſubjected to her. For which very purpoſe, you ſhall ſay, we have ſent you, at this time, to underſtand truly her eſtate, and the whole manner how the ſame has happened; and to confer with her what may be thought meet for us, as her ſiſter and next neighbour, to do for her, be it by counſel, force, or otherwiſe: and therefore you ſhall require her to impart to you, that which indeed ſhe can require of us in honour to be done for her, to bring her to liberty, and her realm to concord and inward peace; and ſo doing you ſhall aſſure her we will do as much for her (the circumſtances of her caſe conſidered) as ſhe were our very natural ſiſter or only daughter. And at the hearing of her declaration, you ſhall require her to bear with you, if, according to our direction, you do declare alſo unto her wherewith her nobility and ſubjects charge her; and A. D. 1567.

A.D. 1567. ſo you ſhall orderly make full declaration thereof; adding therewith, that your meaning is not to encreaſe her calamities, but to the end, upon the truth known, her ſubjects may be duly reprehended and corrected for things unduly laid to her charge: and in other things, wherein her fault and overſight cannot be avoided, or well covered, the dealing therein and order thereof may be with wiſdom and policy ſo uſed and tempered, as her honour may be ſtayed from utter ruin, and her ſtate recovered with ſome better accord to follow her and her ſubjects."

Throgmorton is then inſtructed to expoſtulate with Mary's ſubjects, and to threaten to force them to ſet her at liberty, if they refuſed to do it of their own accord. He is ordered at the ſame time to lay before Mary the failures of her government, and to perſuade her to proceed with caution and lenity in matters of ſtate, but with inflexible ſeverity in puniſhing the death of her huſband, who, as Elizabeth ſays, was the firſt prince of her blood. She obſerves, that if Mary ſhould diſcover any backwardneſs in this purſuit of juſtice, it will be conſidered by her, and all the world, as a preſumption of her guilt. She next inſtructed Throgmorton to deal with Mary to ſend her ſon into England to be educated, and to offer ſufficient hoſtages for his ſafety; and ſhe concludes by giving him to underſtand, that her

true

true meaning was, that he was in her name to diſapprove of the proceedings againſt her, and her impriſonment; but that ſhe approved of the noblemen who had taken the field to bring the murderers to juſtice; and that though he was to labour for her deliverance, yet it was to be in ſuch a manner as that they ſhould be in no danger from Mary's reſentment. A. D. 1567.

and plan for ſettling Scotland.

Throgmorton had another ſet of inſtructions to direct him in negociating with the aſſociated lords. He agreed with them as to the expediency of enquiring into the murder of Darnley, and puniſhing its authors, and likewiſe for ſecuring the ſafety of the young prince. He offered the mediation of his miſtreſs between Mary and her nobility, and to do all he could to procure them a reaſonable ſatisfaction from their ſovereign, but ſtill upon the condition of her being immediately reſtored to liberty. "For (ſaid Elizabeth) though we will not deny that ſhe may be charged with ſome defaults and overſights, yet we take it not to be appertaining to ſubjects, in ſuch a manner, to reform their prince, but otherwiſe to deal by advice and counſel, and failing hereof to leave the reſt to almighty God." Throgmorton was then to endeavour all he could to know what propoſitions had been made by the court of France during the late diſtractions, and to convince the lords how much more preferable her friendſhip was to

A. D. 1567. that of the French. He was next to produce a paper of propoſals from Elizabeth for reconciling the two parties. The queen to be ſet at liberty was the ſubſtance of the firſt article. Mary was to be made ſenſible of Bothwell's guilt, and a divorce was immediately to follow, while ſhe was to give commiſſion to certain noblemen for proceeding againſt Bothwell and his accomplices. A parliament was to be aſſembled, and a general peace proclaimed. The caſtles of Dunbar and Dumbarton were, by Mary, to be committed to two noblemen who were not participant with Bothwell in his crimes, and who were to give ſecurity to the prince's tutors not to admit Bothwell or any foreigner within their charges. The queen was to diſpoſe of all the great offices in the kingdom by the advice of her council. The ſucceſſion to the crown was to be eſtabliſhed according to the laſt act of parliament, as was the proteſtant religion, only with an exception to the queen's own perſon and a certain number of her attendants. A general pardon was to paſs; Bothwell's eſtate was to be forfeited and applied to the education of the prince; the numbers, powers, and forms of the great council were to be regulated, and no ſtranger was to bear any office in the queen's houſhold. The breaking of any of thoſe proviſions, after being eſtabliſhed by parliament, was to be puniſhed as high treaſon, and the queen

queen of England was to be applied to, to become a maintainer of the ſame parliament. A. D. 1567.

When theſe propoſals are candidly conſidered, no part of them appears ſo reprehenſible as the laſt, which in fact calls in a foreign guarantee between Mary and her parliament, and conſequently ſtrikes at her and her people's independency. Throgmorton arrived at Faſtcaſtle on the eleventh of July, and there met with the earl of Hume, ſecretary Maitland, and Sir James Melvil, though no mention of this is made in the Memoirs which go under the name of the latter. Throgmorton continued there for four days, and found Maitland a little piqued at Elizabeth not returning a favourable anſwer to a letter which had been ſent her from the aſſociated lords. When he arrived at Edinburgh, he found the violent party ſo much inflamed by the writings of Buchanan, and the ſermons of Knox, that they were to be ſatisfied with nothing leſs than Mary's blood. Throgmorton, though employed by Elizabeth, was, as I have already mentioned, a ſecret friend to Mary; and Maitland, though deeply engaged in the aſſociation againſt her, was ſenſible of her innocence, and wiſhed for her deliverance, as did ſeveral other aſſociated lords. Another party, at the head of which was the earl of Athol, was for crowning the prince, and eſtabliſhing a council of government under him, while the queen was to re- Difficulties of his negociation.

ſign

A. D. 1567. ſign all future concern in public buſineſs, and retire to a private life, either in France or England. Another party were for bringing her to a public trial, and for ſhutting her up in perpetual impriſonment when convicted. Knox and the enthuſiaſts of his party were for depriving her of life, as well as her crown and liberty. The truth is, Morton was the ſecret ſpring of Mary's deſtruction, and was indifferent with regard to the diſpoſal of her perſon, provided ſhe was ſtript of her dignity, and the regency veſted in his friend the earl of Murray, under whom, or with whom, he knew he muſt have the chief direction; and he had procured a party of the aſſociated lords to ſend Murray an invitation into Scotland for that purpoſe.

He is denied acceſs to Mary, and his inſtructions are anſwered.

Morton and his friends, who were then at Edinburgh, were no ſtrangers to Throgmorton's inſtructions. They had refuſed to ſuffer Villeroy, the new French ambaſſador, (who had been ſent to diſſuade Mary from marrying Bothwell) to ſee her; and they made uſe of that argument for denying Throgmorton the like admittance. They even inſinuated to Throgmorton, that, conſidering the behaviour of Elizabeth, who, among other things, had refuſed to aſſiſt them with a ſmall ſum of money, they thought it would be improper to exaſperate the French king, as they knew not how ſoon they might ſtand in need

of

of his aſſiſtance; and that they every day expected another ambaſſador from that court. The reſult of the whole was, that he received an abſolute refuſal of all acceſs to Mary, under pretence, that a number of the aſſociated lords were then abſent from Edinburgh, and that their conſent was abſolutely neceſſary before he could ſee her. Throgmorton found himſelf under a neceſſity of laying his inſtructions before Morton and the other lords at Edinburgh, who anſwered him in a paper, in which they painted Bothwell's conduct in the moſt infernal colours. They ſpoke of the prince's deſtruction as being inevitable, if they had not taken arms againſt him; and (what is not commonly known) they ſaid, that had they not done it, they moſt firmly believe they muſt have recommended him and themſelves to the hands of God, and likewiſe the ſoul of their "ſovereign the queen, who ſhould not have lived with him half an year to an end, as may be conjectured by the ſhort time they lived together, and the maintaining of his other wife at home at his houſe." Though this is a very extraordinary charge, yet we know not how to diſbelieve it, as it was ſo recently urged. They then accuſed Mary of her obſtinate attachment to Bothwell, and gave that as the reaſon for ſending him to priſon. It is remarkable, however, that they made no mention of the letter which they had pretended to have inter- A. D. 1567.

A. D. 1567. intercepted from her to Bothwell; a ſtrong preſumption that no ſuch letter ever exiſted, eſpecially when we reflect, that Mary afterwards, in the moſt ſolemn manner, diſclaimed any ſuch attachment.

Remarks upon the anſwer.

The moſt remarkable circumſtance, however, attending this paper is, that though it is dated the eleventh of July, and though the ſilver box with the letters and ſonnets addreſſed by Mary to Bothwell, was pretended to be diſcovered on the twentieth of June preceding, yet no mention is made of that diſcovery, nor is there the leaſt inſinuation to that purpoſe; though, had it been real, it muſt have been of more ſervice to their cauſe than all their other allegations. During this ſtate of Throgmorton's negociation, he was conſidered by Mary's friends and the party aſſembled at Hamilton, as being commiſſioned by Elizabeth to deliver her. They had entered into aſſociations for her ſervice. The duke of Chatleheraut's family, the archbiſhop of St. Andrews, the earl of Argyle, and the lord Herries, had made ſeparate applications to Throgmorton; but he was of opinion, that the Hamiltons and Argyle deſired her liberty, the one, that ſhe might be married to the abbot of Arbroth, who, next to the earl of Arran, was to be the head of their houſe; and Argyle, that ſhe might marry his brother. Knox and the violent party were all this while buſied in ſummoning a kind of a na-

a national aſſembly, for proceeding againſt Mary; and their violence gave Throgmorton reaſon to apprehend that their reſolutions would be fatal to her perſon. Without entering into all the particulars of his diſpatches to Elizabeth and Cecil on this occaſion, it is ſufficient to ſay, that he acted with great zeal in Mary's ſervice, and as a caſuiſt as well as an ambaſſador. He put the leading lords in mind, that by giving way to the violent party, they might become maſters of the government; and he combated the prevailing notion, that Mary, or any other earthly ſovereign, was ſubject to be called to an account, and even put to death, for their proceedings. He had a powerful antagoniſt to encounter in the perſon of George Buchanan, who is ſaid to have written, on this occaſion, his elegant Dialogue upon the Government of Scotland; the principles of which are as indiſputable, as many of the facts that are brought to ſupport them are doubtful. It is, however, one of the beſt apologies for public liberty that ever was penned. This publication ſoon attracted the attention of all parties to the hiſtory of Scotland. That of Boece, who wrote to juſtify the murder of James III. was well known; and his facts gave Mary's enemies many advantages over Throgmorton. He applied from time to time for leave of admittance to Mary; but it ſtill was refuſed. The only perſon whom ſhe could truſt, and who was A.D. 1567.

A. D. 1567. admitted to her preſence, was Sir Robert Melvil; and on the ſixth of July he delivered a letter from her to the lords, the contents of which fully inform us of her miſerable ſituation while in priſon, and demonſtrate the futility of all the party pretexts of moderation and tenderneſs for her perſon. She petitioned, on account of her health, to be removed from the unwholeſome place of her impriſonment to the caſtle of Stirling, where ſhe might have the company of her ſon; and if that was denied her, that ſhe ſhould have proper female attendants about her perſon, her apothecary, and a modeſt miniſter; that ſhe ſhould be indulged with an embroiderer, and a valet de chambre. She deſired that Throgmorton might have acceſs to her preſence, and conſented to the proſecution of her huſband's murderers.

Throgmorton's correſpondence with Mary,

Throgmorton had now found means of correſponding with Mary; but he took upon the credit of her enemies, all that he wrote concerning her reluctance to give up Bothwell. The party among the nobility who were diſpoſed to favour Mary, appeared to be as keen as her moſt violent enemies were, for proſecuting Bothwell; but her miſerable ſituation had now converted to her cauſe all the nobility who were not in the ſecret of Darnley's murder; and their meetings at Hamilton and other places became more full and frequent than

than ever. Morton and her enemies were now driven to provide for their own ſafety. They could not, without incurring the reſentment not only of the Hamiltons and other powerful noblemen, but of Elizabeth and all the crowned heads in Europe, bring her to a public trial, and puniſh her capitally or perſonally; and therefore it was propoſed that ſhe ſhould be prevailed on, either by force or fair means, to reſign her crown to her ſon. This reſolution, in general, being agreed on, Sir Robert Melvil was applied to, to return to Mary, and to perſuade her to the terms. At firſt he declined having any concern in the matter; but the earls of Athol and Mar, ſecretary Maitland, and Kirkaldy, prevailed upon him to carry from them a meſſage, acquainting her that ſhe ought to agree to the terms, becauſe the circumſtances of compulſion under which ſhe was, would render them of no effect, if affairs ſhould take a turn in her favour. Throgmorton was of the ſame opinion, and ſent it in writing to Sir Robert Melvil, who carried the paper in the ſcabbard of his ſword, and preſented it privately to Mary. A.D. 1567.

who reſigns her crown.

After Sir Robert Melvil had refuſed to be concerned publicly in the meaſures propoſed by the aſſociated lords, it was agreed, in a full meeting, that the lord Lindſay ſhould be employed to preſs her to compliance in the moſt brutal manner. He was attended by Sir Ro-

A. D. 1567. bert Melvil, who was to uſe gentle meaſures; and Lindſay was furniſhed with three deeds, which he was to preſent to Mary, to be ſigned by her. By the firſt, the earl of Murray, who was not yet returned to Scotland, was appointed regent of the kingdom, during the prince's nonage; and a council was nominated for tranſacting public affairs, till his arrival. By the ſecond deed, Mary reſigned all her authority in favour of her ſon; and by the third, ſhe nominated other noblemen for the regency, in caſe Murray ſhould decline it. Melvil was firſt admitted to Mary, who ſeemed refractory againſt any compliance; but underſtanding that Lindſay was at hand to enforce it, and was behaving in the moſt ruffian-like manner, ſhe burſt into a flood of tears, and reſolved to ſign all the three papers, without ſo much as looking into their contents. In a declaration, which was afterwards emitted by her commiſſioners, they ſay, that Sir Robert Melvil preſented her with a ring, and tokens from the earl of Athol, the baron of Tullibardine, and Maitland, to perſuade her to ſign; and that lord Lindſay threatened to make her a cloſe priſoner, and to proceed to ſtill greater extremities, if ſhe did not comply; but that ſhe proteſted, at the time of her ſigning, that it ſhould not be binding upon her afterwards.

Violence of her enemies.

Lord Lindſay loſt no time in returning to Edinburgh with the ſigned inſtruments, which he

he produced on the twenty-fifth of July to the council, who approved of the ſame, and came to a freſh aſſociation for carrying them into execution. The inactivity of Mary's friends, and the more moderate part of the nation, who were in power, and in every other reſpect, ſuperior to her enemies, at this time, was amazing, and can be only accounted for, either by the diviſions among themſelves, or by tenderneſs for Mary's perſon. It is probable, both thoſe conſiderations operated. Knox and his party were now exerciſing more than papal powers, and had ſummoned, by circular letters to their kirk-aſſemblies, all the ſubjects in the kingdom, of rank or eminence, to ſit in judgment upon Mary. Many excuſed themſelves; but when the aſſembly met, the lay members bound themſelves, in a writing, to reſume the thirds of the benefices which were in the queen's hands, and in the next parliament to concur with other meaſures in favour of the proteſtant religion, and for revenging Darnley's murder on all and whatever perſons ſhall be found guilty of the ſame; "ſeeing (continue they) the plague of God ſhall not depart from the country or town where innocent blood is ſhed, before the ſame ſhall be cleanſed by ſhedding the blood of the offenders." According to Throgmorton's diſpatches, the ſame members had reſolved, if Mary ſhould prove refractory, to have brought her to a public trial. A.D. 1567.

A. D. 1567. trial. Thoſe conſiderations of her danger might naturally have ſome influence upon her friends, as well as their own diviſions.

Queen Elizabeth, whatever her ſecret intentions might be, affected great diſpleaſure at the proceedings of the aſſociated lords, and their refuſing to admit her embaſſador to Mary's preſence. She repeated her orders to Throgmorton in a very menacing ſtrain, upbraiding Morton for his ingratitude, and enjoining Throgmorton not to be preſent at the coronation of the prince, which was fixed to be at Stirling on the twenty-ninth of July. It was thought proper to intimate this reſolution to the noblemen aſſembled at Hamilton, and Sir James Melvil was pitched upon for that purpoſe. The chief of thoſe lords conſiſted of the heads of the Hamilton family, and the lords Fleming and Boyd. Melvil at firſt declined the commiſſion; but was prevailed upon to accept of it by Maitland, Kirkaldy, and ſome of Mary's friends. He found the lords aſſembled at Hamilton; but ſome of the younger ſort made light of Mary's reſignation, to which, as they ſaid, ſhe had been compelled. The archbiſhop of St. Andrew's had a more comprehenſive view of her ſituation, and treated Melvil's meſſage with great politeneſs. He commended the laudable intention of the aſſociated lords, in bringing the murderers of Darnley to juſtice, in which he ſaid, he

he and his friends would have concurred, had they been acquainted with their ſentiments; but that ſeeing ſo great a part of the nation in arms, they were called upon, in common prudence, to aſſemble in their own defence. Melvil returned with this anſwer to the aſſociated lords at Stirling, where he found them greatly divided. Many of them thought that the anſwer of the archbiſhop ought to be deemed ſatisfactory; but the oppoſite party prevailed, very poſſibly with a view of driving the Hamilton party into acts of violence, which might forfeit their eſtates. They affected to treat Melvil as an agent for the queen and the Hamiltons, and proceeded in their preparations to crown the prince without their participation. A. D. 1567.

The queen's friends, many of whom had hereditary ſervices at the coronation, looked upon this proceeding of the aſſociated lords as a kind of proſcription. The duke of Chatleheraut, and thoſe who were in entail to the crown, proteſted formally, that the coronation ſhould be no bar to their juſt rights; and from that time the nobility was divided into two parties; one called the queen's lords, the other, the king's. The former retired in a body to Dumbarton, of which caſtle the lord Fleming was governor, and there entered into a bond, by which they promiſed to exert themſelves, to the utmoſt, to obtain her majeſty's deli- Proteſts againſt the coronation,

A. D. 1567. deliverance out of her priſon; to bring the murderers of Darnley to puniſhment; and to enſure the ſafety of the young prince. This bond, or aſſociation, was ſigned by the archbiſhop of St. Andrew's, the earls of Argyle and Huntley; the lords Roſs, Fleming, Herries, and others, both eccleſiaſtics and laics, of great intereſt and conſequence.

which is performed at Stirling. In the mean while, the king's lords, at the head of which were the earls of Morton, Athol, Glencairn, Mar, Menteith, the lords Hume, Lindſay, Sanquhair, Semple, and Ochiltree, aſſembled at Stirling on the twenty-ninth of July, the day appointed for the coronation of the young king. They admitted the duke of Chatleheraut's proteſt *; and the queen's reſignation being produced and received, the earl of Morton ſwore allegiance and fealty to the young prince, in which he was followed by all the aſſembly, the biſhop of Orkney adminiſtering the oath. Some diſpute happened about the ceremony of unction, which Knox and his brethren oppoſed, as being a Jewiſh ceremony. It was, however, performed in the pariſh-church at Stirling, and very probably by the ſame biſhop. In the proceſſion from thence back to the caſtle, after the ceremony

* The writer of Melvil's Memoirs is not very conſiſtent in the account he gives of his own conduct, at this period; and it is ſurprizing he ſhould ſay, that the queen's lords were "not permitted to come to the coronation, nor yet to take inſtruments that they ſhould not be prejudged in any ſort."

was



I. Taylor sculp.

JAMES VI.

was over, the earl of Athol carried the crown, the earl of Morton the ſcepter, the earl of Glencairn the ſword of ſtate, and the earl of Mar the newly inaugurated king. A. D. 1567.

The right reverend Mr. Keith has raiſed ſome objections againſt the formality, rather than the validity, of this coronation; but they vaniſh in the fundamental objection of the whole being an illegal act, as Mary's reſignation was extorted from her by force, and under the fear of death. The day after the coronation, the privy-counſellors, who were to execute all acts of government, till the arrival of the regent earl of Murray, deprived the earl of Huntley of his lieutenancy in the north. Murray himſelf had narrowly eſcaped out of France, where Mary's embaſſador, the archbiſhop of Glaſgow, had obtained an order for his being arreſted, and came over to England. Notwithſtanding all the zeal and profeſſions of Elizabeth for Mary's deliverance, it is certain, that her great miniſter, Cecil, kept up a correſpondence with Murray, and ſupplied him with money while he was in France. This has been urged as a proof of Elizabeth's duplicity; but I think without any manner of reaſon, as ſhe had a good opinion of Murray, who had always profeſſed himſelf to be the ſincere friend of Mary. Upon his arrival at London, he had an audience of Elizabeth, and perhaps informed her that the Murray arrives in Scotland.

A. D. 1567. regency had been offered him, but that he would make uſe of his credit only to ſerve Mary. Sir James Melvil, who ſtill continued with the king's lords, was appointed by them to meet Murray at Berwick, to inform him of the true ſtate of public affairs; but they differed as to his inſtructions. Morton and his friends, who were reſolved to come to extremities, inſtructed him to behave towards Mary with ſternneſs and ſeverity. The earls of Mar and Athol, ſecretary Maitland, the baron of Tullibardine, and Kirkaldy, who pretended to join with the aſſociated lords, only to revenge the murder of Darnley, were more humane, and ſent their opinion in favour of Mary, who they ſaid was now undeceived in many reſpects, and was reclaimable by mild and gentle uſage.

His conduct. When we review Murray's conduct, it muſt be allowed to be that of a complete politician. He had kept up the moſt favourable appearances towards Mary; and though he had no right from blood or inheritance to the regency, yet, every thing conſidered, he was undoubtedly the moſt proper perſon in the kingdom to be appointed to that high office. His after conduct proved that the regency was the great object he always had in view; and from the time he was nominated, he reſolved to hold it at the expence of humanity, gratitude, and every virtuous conſideration. He did

did not ſeem to diſreliſh the advice of moderation towards Mary's perſon; but heſitated to accept of the regency. This difficulty, however, was ſoon conquered, after he met with his friends in Scotland. Along with him came one Lignerol, as embaſſador from the French court. This miniſter demanded an audience, in which he offered his maſter's beſt offices to re-unite all the nobility; but he was anſwered with great indifference, that they wanted no foreign interpoſition for that purpoſe. Upon his requiring to ſee Mary, he received a flat denial; nor would the reigning powers ſuffer him to repair to her lords. All he could obtain was, liberty to ſend a meſſenger to them, to invite them to a conference at Edinburgh, where there is little room to doubt they would have been ſhut up in priſon. A. D. 1567.

When Murray waited upon Mary at Lochleven, he was attended by the earls of Athol and Morton. She received him as the only friend ſhe could truſt. She poured forth her ſoul before him in a flood of tears, complaints, and lamentations. She confeſſed herſelf blameable in certain points of conduct; ſhe juſtified ſome, and others ſhe extenuated. Murray's behaviour was barbarous beyond expreſſion. He ſpoke to her in the ſtile of a confeſſor who was preparing her for death; and next morning all ſhe could obtain was, that he would endeavour to ſave her life; but that it was quite impro-

A. D. 1567. per, even upon her own account, to grant her her liberty. The afflicted queen, glad of this glimpſe of aſſurance, tenderly embraced him, and preſſed him to accept of the regency, as the only meaſure that could preſerve herſelf and her ſon, and reſtore tranquillity to the public. He ſeemed to decline that honour; but upon the queen's repeating her ſollicitations in the moſt earneſt manner, he acquieſced, which gave him afterwards a plauſible pretext to alledge, that he had accepted of the regency at her deſire. They parted with great ſeeming affection, eſpecially on her part. She entreated him to take charge of her jewels, and ſeemed to rejoice that her life was in ſafety; but he told her that he could give her no ſuch aſſurance, becauſe it depended upon the lords; and that her beſt courſe was not to attempt an eſcape.

Throgmorton's inſtructions.

Throgmorton had been inſtructed by his miſtreſs to uſe his utmoſt endeavours that the young king ſhould be carried into England for his education. This was diſagreeable to the Scotch nobility in general; nor could Throgmorton ſucceed. Maitland peremptorily told him, that the party was indifferent about Elizabeth's determination, and would always find a reſource in the friendſhip of France. He remarked, at the ſame time, that all Elizabeth's conduct proceeded from ſelf-intereſt. "Will the queen, ſays he, your miſtreſs, arm

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two or three ſhips to attend Bothwell; pay a thouſand ſoldiers, for a time, to reduce all the forts of this kingdom to the king's obedience? Then we will ſay, doing this, that her majeſty mindeth as well theſe other matters ſpoken of, as the queen's liberty." Throgmorton next applied to Murray, who confirmed all that Maitland had ſaid. He approved of the conduct of the lords who had taken arms in his abſence, and declared that he would not quit the regency but with his life. He hinted, at the ſame time, that Elizabeth was miſtaken in her policy, by intereſting herſelf ſo much as ſhe did in Mary's favour; and that the French embaſſador, Lignerol, had conſented to viſit the young king, and acknowledge him as ſuch. A.D. 1567.

All this while, Mary's confinement was rigorous, and her friends complained that they had no opportunity of knowing her ſentiments, even with regard to her prepoſſeſſion for Bothwell, which was the great hinge of the charge againſt her. They therefore applied to Elizabeth, who ordered Throgmorton to repreſent to the aſſociated lords their cruel treatment of their ſovereign. "We cannot perceive, ſaid ſhe, they can anſwer the doubts moved by the Hamiltons, who, howſoever they may be carried for their private reſpects, yet theſe things, which they move, will be allowed with all reaſonable perſons; for if they may

Complaints of Mary's friends.

A. D. 1567. may not, being noblemen of the realm, be ſuffered to hear the queen, their ſovereign, declare her mind, concerning the reports which are made of her by ſuch as keep her in captivity, how ſhould they believe the reports, or obey them that do report it? And therefore our meaning is, you ſhall let the Hamiltons plainly underſtand, that we do well allow of their proceedings, ſo far forth as the ſame doth concern the queen, their ſovereign, for her relief; and in ſuch things as ſhall appear reaſonable for us to do herein, for the queen, our ſiſter, we will be ready to perform the ſame. And whereas it is required, that upon your coming thence, the lord Scroop ſhould deal with the lord Herries, to impart their meanings to us, and ours to them, we are pleaſed therewith; and we require you to advertiſe the lord Scroop thereof by your letters, and to will him to ſhew himſelf favourable to them in their actions that may appear plainly to tend to the relief of the queen, and maintenance of her authority."

Letter from Throgmorton to Cecil, September 1. Satisfaction from him upon the following points.

In the oath of office, which Murray took when he accepted the regency, he ſwore that he would be careful to root out all heretics, and enemies to the true worſhip of God. The reader from this, may judge what a near relation there is between the zeal of one church with that of another, though their principles may be diametrically oppoſite. Elizabeth diſliked the

the manner of his proceeding; and charged Throgmorton to obtain ſatisfaction from him upon the following points: "That he ſhould have acceſs to Mary; that Murray ſhould explain by what authority he had aſſumed the regency; that Elizabeth might be made ſenſible Mary had given her voluntary conſent; that ſome time might be prefixed for her deliverance; and laſtly, that ſome plan might be drawn out concerning her eſtate and condition, after Bothwell's apprehenſion and trial." Murray, after repeating what Throgmorton had ſignified to Elizabeth, in his letter of Auguſt the twenty-ſecond, replied to all thoſe demands as follows, in Throgmorton's words: "That as to the acceptation of the regency, he ſaid it was now paſt; and as for ignominy and calumniation, he had none other defence againſt that but the goodneſs of God, his upright conſcience, and his intent to deal ſincerely in his office; and if that would not ſerve, he could not tell what to ſay; for now there was none other remedy, but he muſt go through with the matter. As to the queen's majeſty's ſatisfaction for the queen his ſovereign's conſent, touching the government conferred upon him, he ſaid he would be loath to allow any ſuch matter, and eſpecially a thing that touched himſelf, if he had not the queen's conſent thereunto, confirmed by her own mouth. As unto ſome certain time for the A.D. 1567.

A. D. 1567. the queen's enlargement to be preſcribed, which I demanded, he ſaid the lords could not reſolve thereupon, becauſe her liberty, and the time thereof, depended upon accident: Albeit, (ſaid he) for my own part, I could be contented it were undelayedly. As unto that which I demanded for the queen's condition and eſtate, after Bothwell's apprehenſion and juſtifying, he anſwered, they could not merchandize for the bear's ſkin before they had him."

Elizabeth intereſts herſelf for Mary at the French court.

Throgmorton eaſily ſaw, from the ſtrain in which Murray talked, that the party reſolved to come to extremities even with Elizabeth, rather than ſet Mary at liberty. They laboured to perſuade him that her regal power was then at an end by her reſignation, and they offered him a preſent of gilt plate in the name of their young king. Throgmorton refuſed this, or to acknowledge him in any other capacity than that of prince of Scotland. Throgmorton's negotiation with the regent being thus at an end, Elizabeth inſtructed Norris, her embaſſador at the French court, to lay before that king, the queen-mother, and even the cardinal of Lorrain, Mary's danger, and diſmal condition. Paſquier, a perſon of rank, was by them ſent over to concert with Elizabeth the means of her deliverance. Elizabeth informed Paſquier how unwilling ſhe was to proceed to violence for Mary's deliverance, her enemies,

enemies, in whoſe hands ſhe was, appearing to be ſo bloody and determined, and even her friends, the Hamiltons, having ſided with the regent; for ſo Elizabeth had been informed. Elizabeth, however, as a proof of her ſincerity, joined with the French king, in prohibiting the commerce of Scotland with England and France, as being the moſt ready means of bringing the trading part of the nation to favour the queen. A.D. 1567.

A new aſſociation in favour of Murray,

Murray, whom we are now to call the regent, was ſenſible of his danger, and ſought to prevent it by a new aſſociation of his party. He ſummoned them together on the fourth of December, not in the form of a parliament, nor of a privy-council; for many aſſembled who were not privy-counſellors. There, after long debates, a declaration was agreed upon, "that they would publiſh to all the world, tho' they were loth to do it, on account of the regard they had for the queen's own perſon, the reaſons of their proceeding againſt her, by their appearing in arms, taking her priſoner, and detaining her in Lochleven; all which was owing to the queen herſelf, as appears from ſeveral private letters written and ſubſcribed with her own hand, and ſent to the earl of Bothwell, who was the perpetrator of king Henry's murder; that thoſe letters were written both before and after the murder; and that by her ungodly proceeding in a private marriage with

A.D. 1567. him thereafter, it is moſt certain that ſhe was privy, art and part, of the murder of the king." They, at the ſame time, engaged themſelves to procure an act of parliament for juſtifying all that had been done againſt the queen, whom they ſeemed determined to keep in perpetual impriſonment. A copy of this aſſociation was ſent by the parties to ſecretary Cecil, under the title of an act of the privy-council of Scotland, which it certainly was not, becauſe many who were privy-counſellors voted at the meeting. We are therefore to look upon it as a deed of confederacy to obtain an act of parliament for their own juſtification and indemnification; an act which was very neceſſary for all who had appeared in arms againſt Mary, even ſuch of them (among whom were Maitland and Kirkaldy) as were convinced of her innocency. Some hiſtorians have taken it for granted, "that certainly letters, true or falſe, were laid before the council." I can find no authority for this in the pretended act, where ſuch exhibits, had they been made, would undoubtedly have been mentioned. I am therefore of opinion, that the bulk of the aſſembly took the matter for granted, upon the credit of Murray and Morton; the fact, however, is not very material. But to proceed in our hiſtory.

Mr. Hume.

who becomes maſter of the forts of the kingdom.

Murray, the day after he was proclaimed regent, ordered all the public ſeals of the kingdom

dom which carried the name and title of the queen, to be broken. He then entered into a treaty with Sir James Balfour for the ſurrender of the caſtle of Edinburgh. This gentleman (as we have already ſeen) had acted in that truſt as deputy for Bothwell, and the terms he obtained from the regent were far from being honourable to either of the parties. Balfour's firſt ſtipulation was, that he ſhould have a remiſſion for art and part of the king's murder; a ſtrong preſumption of his guilt, and of Murray's diſſimulation in his pretended zeal for bringing the murderers to juſtice. He and his ſon were to have a gift of the priory of Pittenweem, a hereditary penſion of victual, a large ſum of ready money, and the caſtle was to be put into the hands of Kirkaldy. The regent next ſummoned the governor and officers who held the caſtle of Dunbar for Bothwell. No regard being had to this ſummons, nor to deliver up the perſon of one Wilſon, the regent drew ſome heavy artillery out of the caſtle of Edinburgh, and beſieged it in form. The governor, of whoſe name we are uncertain, at firſt declared he would defend the caſtle to extremity; but finding the regent in earneſt, he ſurrendered it on the firſt of October. The earl of Morton, the lords Hume, Lindſay, and others, ſeparately applied for the government of it; but the regent very wiſely ordered all its artillery and warlike ſtores to be carried to

A. D. 1567.

His impolitic ſeverity.

A. D. 1567. Edinburgh, and committed the cuſtody of the caſtle to the citizens of Dunbar, till he obtained an act of parliament for demoliſhing it, and likewiſe the fort upon Inch-keith.

Notwithſtanding thoſe ſucceſſes of the regent, he was ſtill apprehenſive of the Hamilton party, as well as the gentlemen lying to the ſouth and ſouth-eaſt of Edinburgh; and ſummoned many of them to appear before him and the counſel, and others to ſurrender themſelves priſoners in ſeparate forts, on pain of rebellion. From other proclamations, and acts of the privy-council, it appeared, that the inhabitants of Eaſt-Lothian, and other counties, where Bothwell's eſtates lay, were very refractory to Murray's officers, and had even oppoſed ſome of them, by force, in the execution of their duty. At laſt, it was found neceſſary that the regent, attended with the earl of Morton, and the lords Hume and Lindſay, ſhould march in perſon to the borders, where they ſurprized, at a fair, ſome of the chief delinquents, who are called thieves, and brought them to juſtice.

Theſe ſeverities and the growing power of the regent revived the attention and jealouſies of the queen's party. Such of them as had beſt opportunities of knowing Mary's mind declared, that it was her opinion the regency (if a regency was neceſſary) lawfully and naturally belonged to Chatleheraut. A new meeting

meeting being held at Hamilton, the earl of Argyle, as being the moſt acceptable perſonage preſent, with ſome of his friends was ſent to deſire a conference between the regent and the queen's lords; but the letter he preſented for that purpoſe being addreſſed to the earl of Murray only, and not to the regent, was rejected by the council. This did not diſcourage Argyle, who, in company with the lord Boyd and the abbot of Kilwinning, repaired to Edinburgh; and it was agreed between them and the council, that a parliament ſhould meet the fifteenth of December *. Many repreſentatives of burghs, who are ſaid to have been the creatures of Murray, attended at this meeting. Its firſt buſineſs was to confirm Murray in the regency, in conſequence of Mary's diſmiſſion and her ſon's coronation. The members next entered with the greateſt vigour upon eccleſiaſtical affairs. The Confeſſion of Faith was confirmed and publiſhed; confiſcation of lands and goods, together with corporal puniſhment, were the penalties annexed to the firſt hearing of the maſs, baniſhment to

A.D. 1567.

A parliament.

Laws againſt the Roman catholics.

* It carries the look of ſomething worſe than a miſtake for Buchanan to ſay, that this parliament was held on the twenty-fifth of Auguſt, unleſs that date is an error of the preſs; which is not very likely, as it ſtands at full length in the edition of his Hiſtory printed in his own life-time, and in all the ſubſequent ones. What makes this anachroniſm the more remarkable is, that he certainly was at that time in Scotland very buſy in the management of affairs, and had been moderator of the general aſſembly in July preceding.

the

A. D. 1567. the ſecond, and death to the third. All public offices were to be held only by profeſſors of the Proteſtant religion, heritable and life-rent offices excepted. The clergy, encouraged by the regent, made a ſtrong effort for repoſſeſſing themſelves of the church's patrimony; but in this they were deceived, as the lords and great landholders were intereſted in the queſtion. The thirds therefore of benefices only were enacted to belong to the clergy, and all ſchools, colleges, and univerſities in the kingdom were to be reformed. The ſevereſt laws were made againſt fornication. Death was to be the puniſhment of inceſt, and of marrying within the degrees of conſanguinity forbidden in the book of Leviticus. The ſeverity of the laſt article is undoubtedly overſtretched; but it is levelled at ſuch of the Roman catholic party, who were ſtill very numerous in Scotland, as ſhould privately procure diſpenſations from Rome.

Farther regulations,

The mint, and the abuſes committed on the borders, which were now of the moſt daring criminal kind, were next reformed; and (which is pretty extraordinary) the frequent practice of tranſporting horſes from Scotland to France was rendered penal. Several other internal regulations took place at the ſame time; but they were ſuch as are of no great importance in general hiſtory. The chief buſineſs of this parliament next fell under deliberation. The queen's party temporized with the governing powers,

powers, and lord Herries, it is ſaid, publicly approved of their proceedings againſt Bothwell. He exhorted the earls of Huntley and Argyle and other members to acknowledge the young king's authority; and threatened, that if they refuſed, they ſhould be compelled by the duke of Chatleheraut, (who was now returned to Scotland) himſelf, and their friends *. Whatever may be in this behaviour of lord Herries, it is natural to ſuppoſe, that if Mary had a ſincere friend in the parliament, he would have ſpoken in the manner that lord Herries is ſaid to have done. The moſt violent part of the aſſembly appeared to be ſo well convinced of her guilt, that they called out for her trial and execution according to law; and it is well known, that the ſame force which had been employed in obtaining her reſignation, could have deprived her of life in the like manner; and conſtitutionally ſpeaking, the criminality of the one act was little inferior to that of the other. After various debates, an act, in ſubſtance but little different from that of the fourth of December, already mentioned, was drawn up. Its contents were as follow: A.D. 1567.

"It being propoſed, whether the noblemen, barons,

A new act of parliament againſt Mary.

* I have given an account of this behaviour of lord Herries from a paper ſaid to be in the Paper-office, and printed in the appendix to Dr. Robertſon's Hiſtory. But the truth is, the paper itſelf makes a very naked appearance, with no ſign of authenticity, and is plainly written by a violent partizan of Murray, with a view probably of influencing Elizabeth and her miniſtry.

A.D. 1567. barons, &c. who appeared in arms at Carberry, on the fifteenth of July, and had impriſoned the queen, and thoſe who had joined them ſince, had acted as true and faithful ſubjects; our ſovereign lord, with the advice of my lord regent, and the whole body of the preſent parliament, decrees, that whatever they have either done or written, from the tenth of February to the preſent time, was lawfully and loyally done; they therefore acquit them of any future proſecution on that account; for if the queen was confined, and her property diſpoſed of, it was her own fault; it being demonſtrable from her own letters, as well as from her ungodly and pretended marriage with Bothwell, as his ſham-proſecution, that ſhe was conſcious of the murder of the king her huſband, and that they intended to deſtroy the prince; ſo that ſhe not only deſerved what was paſt, but whatever ſhould be done to her for the future: yet was not this declaration, which the members ſigned and ſealed, to prejudice the ſucceſſion to the crown of her lawful children, or their heirs."

Black Acts f. 15. c. 19.

The warmeſt, and lateſt defenders of Mary's memory, as well as her enemies, have admitted that the letters, ſo often mentioned, were produced likewiſe before this parliament; and the inſtructions afterwards ſent from Scotland to her commiſſioners in England, give ſome countenance to the fact. It is, however, extremely obſervable,

obſervable, that the letters mentioned in the act of the privy-council ſay, "That they were ſubſcribed as well as written with her own hand." But the letters mentioned in this act of parliament only ſay, that they were "written haliely (that is wholly) with her own hand." This variation ſpecifically alters the complection of the charge againſt Mary, and is, I think, a ſtrong preſumption that two ſets of letters were drawn up, one pretended to be ſubſcribed with her hand, the other not, and that both were forgeries. The fabricators of the firſt ſet might ſubſcribe them with Mary's hand; but when they came to reflect that thoſe letters were to be produced in a great aſſembly, where almoſt all the members knew her ſubſcription, but few her hand-writing, they might think the cheat too groſs; and therefore they ſubſtracted the circumſtances of the ſubſcription from the charge. It is, however, certain, that Mary complained that ſeveral people in Scotland, both men and women, could counterfeit her hand-writing. The ingenious author of the Inquiry into the Evidence againſt Mary, has obſerved, that the apology urged by a modern hiſtorian for the authenticity of the letters, as if the difference abovementioned proceeded from the inaccuracy or blunder of the clerk, becauſe the letters were only wrote by her, and the contract with Bothwell was only ſubſcribed, is inadmiſſible on all the rules

A. D. 1567.

Goodall, vol. ii. p. 360.

Remarks upon the ſame.

Mr. Hume.

A. D. 1567. of common ſenſe and grammar. In the act of privy-council, no mention is made of any ſecond contract that was made with Bothwell, and the words "written and ſubſcribed with her own hand" can be applicable to the letters only. Add to this, that though the contents of the two acts are almoſt the ſame, the word "haliely" is inſerted in the ſecond, only to ſupply the place of the words "and ſubſcribed."

Four of Darnley's murderers executed without accuſing her.

It may be urged, that they who could counterfeit Mary's hand ſo well, as that it could not be diſcerned from her real writing, could counterfeit her ſubſcription likewiſe. That her hand was counterfeited I can eaſily admit; but that the fabric of thoſe letters could not be diſcerned from her true writing, by thoſe who were acquainted with it, is againſt the evidence of common ſenſe. Had there been ſuch a ſimilitude, Murray and Morton could have been at no loſs in producing to the aſſembly undoubted originals of her own writing, and have thereby given the members evident proofs of their authenticity. This was the moſt natural expedient they could have fallen upon; but (though it may be premature to mention it) it is certain the pretended letters never were ſhewn to any of Mary's real friends, or to any perſon who could judge of her hand-writing, excepting her profeſt enemies; and indeed the after-conduct of Elizabeth and her miniſter, Cecil, as I ſhall obſerve in a proper

per place, can be only accounted for by a glaring defect of ſimilitude. This parliament being diſſolved, on the twenty-ninth of December, Dalgleiſh, Powrie, Hepburn, and Hay, four accomplices in the murder of Darnley, were executed on the third of January after. Their confeſſions acquitted Mary of any knowledge of the murder, as we ſhall have occaſion afterwards to obſerve, though it is certain that no ſeverity was wanting, during their long and unaccountable impriſonment, to induce them to accuſe her. The roughneſs and ſteadineſs of Murray's behaviour is aſſigned by the writer of Melvil's Memoirs as the reaſon why ſeveral noblemen and great barons, who had hitherto acted with him, now left him, and declared for the queen. The abbot of Arbroath, who was afterwards the firſt marquis of Hamilton, being afraid of the regent's reſentment, retired to France without his leave, for which a proceſs of law was iſſued out againſt him by the privy-council. The baron of Tullibardine, one of the moſt conſiderable landholders in the kingdom, and one of Mary's moſt bitter enemies, ſince her huſband's death, had his reaſons, at this time, for deſerting the regent likewiſe; and ſeveral, whom he thought his beſt friends, began to waver in their attachments. The regent ſought, by the activity of his adminiſtration, to confirm his power, and encreaſe his popularity, and af- A.D. 1567. 1568.

A. D. 1568. fected to treat all parties with indifference and impartiality; but he miſtook his meaſures. The ſeverity with which he proſecuted all who did not implicitly acknowledge his authority, created him enemies; and his being always attended by a body of armed men, raiſed in many very unfavourable ideas of his deſigns.

Her ſituation in Lochleven. We are in the dark with regard to the particular manner in which Mary ſpent her time at Lochleven; but there is reaſon to believe that her confinement was not ſo rigorous as her enemies intended; and that her addreſs and diſſimulation procured her friends. She certainly gave a very favourable character of Douglas, the maſter of her priſon-houſe; and intimated to the regent himſelf, that ſhe would not be diſpleaſed if George Douglas, his uterine brother, and full brother to her keeper, ſhould make his addreſſes to her for marriage. The regent treated this intimation with diſdain, as he could be no ſtranger to its motives; and the young gentleman, on whom Mary's behaviour, towards him, had made an impreſſion, entered zealouſly into her intereſts, and was the vehicle of a correſpondence between her and her friends at Seton and Hamilton. The regent more than ſuſpected this, and George was diſcharged from the caſtle; but he and two other gentlemen, Beaton and Sempil, who were devoted to Mary's ſervice, waited on the oppoſite bank of the lake, at

the

the village of Kinroſs. They had found means to gain over Mary's laundreſs, who next time ſhe went to the caſtle dreſt the queen in her homely cloaths and muffler, and loaded her with a bundle of dirty linen. This diſguiſe ſucceeded ſo well, that Mary, without ſuſpicion, went into the boat that was to carry back the laundreſs. The boatmen, by the whiteneſs of Mary's hand, which ſhe was incautious enough to expoſe, diſcovered who ſhe was; but ſhe charged them, upon their allegiance, to proceed. This they refuſed to do; but with a generoſity above their rank, they promiſed not to diſcover her attempt, and rowed back to the caſtle. It is probable that George had engaged ſeveral of the domeſtics, and ſome of Mary's keepers in her intereſt. It is ſaid that ſeveral of the regent's friends endeavoured to put him on his guard againſt his brother's practices in Mary's favour; but that he was now ſo ſecure that he diſregarded their admonitions. A. D. 1562.

There is the ſtrongeſt reaſon for believing, that this ſecurity of the regent, and the diſregard he manifeſted for many of the lords of his own party, aroſe in a great meaſure from a ſecret correſpondence he ſtill carried on with Cecil, and the knowledge he had of that miniſter's influence in Elizabeth's councils. His own ſervant, Elphinſton, carried his letters to Drury, the governor of Berwick, who forwarded Murray's abject correſpondence with Cecil.

A. D. 1568. warded them to Cecil; and in one of them he diſcovers great uneaſineſs at a report which had prevailed, of his being diſpleaſed with Cecil for not addreſſing his letters to him as regent of Scotland. This circumſtance is the more remarkable, becauſe, as we have already ſeen, he returned a letter from the greateſt nobility of his own country unopened, becauſe it was without that formality. Many other proofs are not wanting, that Murray, whatever appearance of haughtineſs or auſterity he might have towards the Scotch nobility, courted Cecil's friendſhip in the moſt abject terms. The great expence he was at in maintaining a kind of a ſtanding army, on pretence of reſtoring the public tranquillity, about his perſon, at this time drove him into ſome very mean and impolitic meaſures for paying his ſoldiers. We find an order of the privy-council for ſtripping the cathedrals of Aberdeen and Elgin, two ſumptuous edifices, of the lead which covered them; for the Reformation had not been ſo fatal in the North, as it had been in other parts of the kingdom, to religious buildings. The earl of Huntley, a profeſſed papiſt, and his friends, were charged with the execution of this order, which could not but encreaſe the regent's unpopularity in thoſe parts.

Arrival of a French embaſſador.

In April, Beaumont, a perſon of diſtinguiſhed rank, was ſent by the French king to mediate between Mary and the regent. He was, according

cording to ſome writers, charged by his maſter, at the ſame time, to remind the regent of his promiſe when he left France, that he would ſet his ſiſter at liberty. In an audience he had of the regent, he demanded admittance to Mary, but was refuſed it. The regent pretended, that whatever promiſe he had made to the king, or any other perſon in France, the ſame was void, by the parliament of Scotland having put it out of his power to perform it; and that he could not grant him acceſs to Mary, without the concurrence of the three eſtates, whom he could not re-aſſemble in ſo ſhort a time ſince their laſt parting. Beaumont ſhewed ſome heat at this refuſal; nor does it appear that he gained admittance to Mary while ſhe was a priſoner *. The regent was then at Glaſgow, holding juſtice courts, and treating with the lord Fleming for the ſurrender of the caſtle of Dumbarton. Fleming offered to give ſecurity that he ſhould hold that fort only for the young king; but this offer not being accepted of, he prepared for a vigorous defence, and the queen's party rendezvouſed at Dumbarton, every day expecting her eſcape. In Melvil's Memoirs, we have the copy of an aſſociation they had entered into for her deliverance by force, if every other expedient A.D. 1568.

* The writer of Melvil's Memoirs ſays, that he procured Beaumont a ſight of the queen while a captive. This would have been the more probable if the author had told us by what means, and by what authority.

failed;

A. D. 1568. failed; and, on the firſt of May, Mary found means to write the following letter, the original of which is in French (and I believe has never yet appeared in any hiſtory of Scotland) to Elizabeth.

Letter from Mary to Elizabeth.

"Madam, my good ſiſter, the long duration of my melancholy impriſonment, and the ills I have received from thoſe to whom I had done ſo much good, are to me not ſo mortifying as that I am not in a capacity to lay before you the true ſtate of my misfortunes, and the injuries I have, from many hands, received. Therefore, meeting with the occaſion of a faithful ſervant in this place, to ſend you this line, I have entruſted him with my thoughts, begging that you will believe him as myſelf. You may remember that you (have) oftentimes told me, that you meant the ring you ſent me as a token for your aſſiſting me in all my misfortunes. You know that (my) brother Murray is in poſſeſſion of all I had, (and that they) who have any thing of mine are forced to deliver me nothing. Robert Melvil, at leaſt, ſays, that he dares not return me that ring up, though I ſecretly recommended it to him, as being my moſt precious jewel. Therefore I beſeech you, that on reading this letter, you will have compaſſion upon your good ſiſter and couſin, and believe that you have not, in any part of the world, a more tender and affectionate relation. You will pleaſe, likewiſe,

to

to conſider the importance of the example ſet againſt me, with regard not only to a king or a queen, but an inferior perſon. I beg you will take care that no perſon know what I write, becauſe I ſhould thereby be worſe treated; and the faction here boaſts, that they have intelligence from their friends of all that you do or ſay. Credit this porter as you would myſelf. God preſerve you from misfortune, and give me patience and pardon, that I may one day lament my misfortune with you, and acquaint you with more than I dare to write, which will be not a little to your ſervice. From my priſon, this firſt day of May,

A. D. 1568.

Your moſt obliged and affectionate
Siſter and good Couſin,
Mary *."

Mary eſcapes from Lochleven.

We learn from this letter, that Mary, when ſhe wrote it, did not think her deliverance was ſo near as it proved, for ſhe eſcaped from her impriſonment the very next day. The means by which ſhe was delivered have been variouſly repreſented; but it is agreed on all hands, that the capital inſtrument of her eſcape was young George Douglas, who is repreſented by our hiſtorians as no more than eighteen years of age. This youth had been ſo aſſiduous in his

* This letter in its French original, as publiſhed by the editor of the Cecil papers, is very imperfect, and in ſome places ſcarcely intelligible. I have done my beſt to ſupply its deficiencies in the tranſlation.

A. D. 1568. attachment to Mary, that he had made her keepers his friends. Some hiſtorians, Crawford in particular, have ſaid, that he was prevailed upon by the large pecuniary promiſes made him by Mary, who preſented him with the jewels and gold ſhe had about her, as an earneſt of far larger ſums. The manner in which this eſcape was conducted renders it ſuſpicious that this report is raiſed by the enemies of the Douglas family; but it is not at all improbable that the mother of the young gentleman might wink at Mary's eſcape. Be that as it will, we know of no difficulty ſhe had in getting rid of her confinement. The keys of the caſtle were ſecreted while the heads of the family were at ſupper, on the ſecond of May. Mary and one of her waiting women left her priſon, and reached a boat prepared for them by young George, who threw the keys of the caſtle into the river. Every meaſure for her ſafety had been concerted with the utmoſt preciſion, and uncommon prudence. The lord Seton, Beaton, and one of the Hamiltons, with their attendants, who, though few, were reſolute, and completely armed on horſeback, were hovering on the oppoſite bank of the lake; and upon Douglas giving the ſignal of ſucceſs, which had been previouſly agreed upon, they received Mary from the boat, and mounting her upon a ſpare horſe, they galloped to Niddrie, one of lord Seton's houſes, and from thence to Hamilton.

Mary, having thus regained her liberty, was received at Hamilton, which is no more than eight miles diſtant from Glaſgow, where the regent ſtill continued, by the earls of Argyle, Caſſils, Rothes, and Eglinton, the lords Somervil, Yeſter, Levingſton, Borthwick, Herries, Maxwell, Sanquhair, Roſs, and Fleming, and many other barons and freeholders, who, with their attendants, quickly formed an army of ſix thouſand men. The regent was not daunted at this event, but behaved as a man of courage and ſpirit would do on ſuch an occaſion. The firſt conſternation of his party being over, he ſummoned a meeting of his friends, in which it was debated, whether he ſhould remain where he was, or retire to the town of Stirling. The regent gallantly and wiſely rejected all appearance of a flight by his retiring to Stirling; and immediately iſſued proclamations for aſſembling an army at Glaſgow, which was an open town. It is amazing, that during the great conſternation his party was under, the queen's friends did not immediately avail themſelves of their ſuperiority, by attacking him in Glaſgow; but many conſiderations, to which the regent could be no ſtranger, prevented this. They were far from being united among themſelves, and all of them agreed, if poſſible, to come to an accommodation, in which they were flattered by the French embaſſador, who attended Mary at Hamilton, and undertook

A. D. 1568.

Arrives at Hamilton,

A.D 1568. the negociation, which afterwards proved ineffectual, and, in the mean while, was fatal for Mary, becauſe it gave a reſpite to her capital enemy.

where ſhe aſſembles her friends. Her friends, notwithſtanding the preſſing emergency, thought it proper that ſhe ſhould publicly, and in the moſt ſolemn manner, declare, that the reſignation of her crown, and the other acts of ſelf-deprivation which ſhe had ſigned, were extorted from her by force. Robert Melvil, and ſome others who had been preſent at her paſſing thoſe deeds, confirmed the queen's declaration; and the aſſembly unanimouſly pronounced them to be in themſelves void, and of no effect. A meſſage was ſent, at the ſame time, in Mary's name, requiring Murray to deſiſt from the exerciſe of the regency, which he flatly refuſed to do. Some time was likewiſe ſpent by Mary in drawing inſtructions for Beaton, whom ſhe ſent to the courts of England and France to notify her eſcape, and ſollicit ſuccours. All thoſe delays, which were encouraged by the regent's pretending to give an ear to the French embaſſador, proved pernicious to Mary; for the regent made uſe of them to bring artillery from Stirling to Glaſgow, and to aſſemble a body of four hundred diſciplined reſolute men, while thoſe under the queen were weakened even by their own numbers, being without arms, order, or experience. About five hundred more troops

troops joined the regent from Edinburgh; and there was ſome talk of the earl of Marr bringing the young prince, in perſon, to the field againſt his mother. A. D. 1568.

While both parties were thus preparing for war, a new bond of aſſociation, in the queen's favour, was entered into by nine earls, nine biſhops, eighteen lords, and a vaſt number of great barons and landholders. This bond, which was dated at Hamilton the eighth of May, is ſolemn and loyal; but contains nothing in it very intereſting to a reader. After various conſultations, it was agreed, by her friends, that ſhe ſhould be conveyed to the ſtrong caſtle of Dumbarton, where ſhe was to remain; the only meaſure which was now wanting to complete her ruin. Some of the moſt conſiderate of Mary's friends oppoſed this reſolution, becauſe they foreſaw, as afterwards happened, that ſhe could not reach that fort without a battle. The writer of Melvil's Memoirs ſays, that Mary, diſliking to be entirely under the power of the Hamiltons, employed the French embaſſador, and Melvil himſelf, to ſet on foot a new negotiation, by means of ſecretary Maitland and Kirkaldy, who were in the regent's army. There is ſome reaſon for doubting this fact, and ſome others advanced by the ſame author on this occaſion. The queen's hopes of ſucceſs were too ſanguine; and perhaps they were encouraged by

Keith, p. 475.

She dreads the Hamiltons.

Beaumont,

A.D. 1568. Beaumont, who was piqued at having been duped by Murray.

She is entirely defeated at the battle of Langſide.

Upon the whole, the advice of Mary's wiſeſt friends, which was, that ſhe ſhould march northwards, where ſhe was ſure of being joined by the earl of Huntley, and the clans, was rejected. This is ſaid to have been owing to the zeal of the archbiſhop of St. Andrew's, who acted as general for Mary, and his diſtinguiſhed partiality for the Hamilton family. He flattered himſelf with the hopes of bringing about a match between one of the ſons of that houſe, and Mary, and of himſelf gaining greater importance than ever in the kingdom. As to Mary ſeeking to renew the negociation, if ſhe did it, it was only with a view of amuſing the regent till ſhe could reach Dumbarton; but it was ſoon out of her power to have any choice. The regent being now between four and five thouſand ſtrong had reſolved to attack the queen's army at Hamilton, when he heard that it was in motion. Kirkaldy, who was one of the beſt officers under him, immediately ordered a foot-ſoldier to be mounted behind every horſeman in the army, that they might take poſſeſſion of a riſing ground near a place called Langſide, which he had reconnoitred, and which he foreſaw muſt be the place of action, and to take poſſeſſion of other advantageous paſſes. This was the more eaſily effected, as the queen's army was retarded by the

the earl of Argyle, her lieutenant-general, dropping from his horſe in an apoplectic fit. The beſt account of the leaders of both parties is to be found in Calderwood. "There were (ſays he) in the battle with the earl of Argyle, lieutenant, the earls of Caſſils, Eglinton, and Rothes; lords Seton, Somervel, Yeſter, Borthwick, Livingſton, Sanquhar, Boyd; the ſheriff of Air, the lairds of Baſs, Waughton, Dalhouſie, Lochinvar, Roſlin; the avant-guard was led by Claud Hamilton of Paiſley, ſecond ſon to the duke of Chatleheraut, and Sir James Hamilton of Windaill. With them the Hamiltons, their friends and followers, to the number of two thouſand men; they bragged that they would by themſelves defeat their adverſe party. The lord Herries had the conduct of the horſemen, almoſt all borderers, dependents, and tenants of lord Maxwell, his brother. James Stewart of Caſtleton, and Arthur Hamilton of Mirriton, had the conduct of the ſhot, to the number of three hundred. The regent's avant-guard was conducted by the lord of Morton, Alexander lord Hume, Patrick lord Lindſay, Robert lord Sempil. In the rear-guard with the regent were, John earl of Marr, Alexander earl of Glencairn, William Grahame earl of Monteith, the maſter of Grahame, lords Ruthven, Ochiltree, Stewart, Cathcart; lairds Barganie, Balquhan, Ceſsfurd, Luſs, Buchanan, Pitcur, Lochlevin, Lethington,

A. D. 1568.

A. D. 1568. ton, Sir James Balfour; the barons and gentlemen of Lenox, and the citizens of Glaſgow. The ſhot was placed in the yards of Langſide. The horſemen, about two hundred, were conducted by William Douglas of Drumlanrig, Alexander Hume of Manderſton, and John Carmichael of that ilk."

The regent, by getting poſſeſſion of the hill, gained the battle, which began with a cannonade from ſix pieces of artillery brought by him, and ſeven by the queen. Her troops, in marching through a narrow lane to attack thoſe of the regent poſted on the hill, ſuffered conſiderably. I do not find that either ſide was furniſhed with fire-arms, except the harquebuziers, who did not exceed the number of two hundred in each army; ſo that the battle continued for about half an hour without almoſt any loſs on either ſide, though the queen's cavalry at firſt drove back that of the regent, who remained at the head of a firm battalion, armed with long ſpears. The valour of the lords Hume and Lindſay, Kirkaldy, and the Highlanders under Macfarlane, having at laſt ſtaggered the queen's forces, the regent attacked the latter ſo briſkly, that they were driven from the field, with the loſs, according to Calderwood, of three hundred men, who were killed in marching through the narrow lane, which Grange had lined with harquebuziers; but the regent loſt no more than one

man,

man, who was a tenant of lord Morton. The regent and Grange, who was the chief inſtrument of gaining the victory, as ſoon as the rout of the queen's troops began, exerted themſelves in putting a ſtop to the purſuit, and preventing farther bloodſhed; a remarkable inſtance of humanity and moderation in a civil war. The number of priſoners on the queen's ſide exceeded that of the ſlain. The chief were the lords Seton and Roſs, the maſter of Caſſils, Sir James Hamilton, the ſheriffs of Air and Linlithgow, and Hamilton of Bothwellhaugh *. A.D. 1568.

Mary, who had been but too confident of victory, beheld the battle from an adjacent eminence; but no ſooner did ſhe ſee her forces routed, than ſhe loſt all ſpirit, and galloped off the field with a few attendants, among whom was the lord Herries, the only nobleman on her ſide who had diſtinguiſhed himſelf in the battle. At firſt ſhe thought of ſhutting herſelf up in Dumbarton-caſtle; but reflecting that all the paſſes to it were in the hands of her enemies, ſhe took the advice of lord Herries, and directed her flight towards Galloway, where ſhe could have an eaſy communication with England. The remembrance of her late and flies to Galloway,

* The author of Melvil's Memoirs ſays, that part of the queen's army was commanded by the lord (meaning the commendator) Arbroath, who undoubtedly was in France at this time, though his younger brother, lord Claud, was one of her officers.

A. D. 1568. captivity doubled her ſpeed; ſo that ſhe rode ſixty miles from the field of battle before ſhe ſlept. Having refreſhed herſelf, after ſo fatiguing a journey, at the abbey of Dundrannan in Galloway, ſhe held a conſultation with her friends how to proceed. Some (if not all of them) were ſo invincibly prepoſſeſſed againſt Elizabeth, that they obteſted Mary to follow any courſe rather than truſt her perſon in the hands of the Engliſh; and told her, that ſhe might very poſſibly find means to paſs over to France. She would have followed this advice, but was diverted from it by reflecting, that ſhe muſt appear as an exile and a vagabond in a country where ſhe had lately reigned in all the pomp of majeſty. I am of opinion with an ingenious writer, that Mary was credulous even to weakneſs; and this credulity ſeems to have been the fruitful ſource of all her misfortunes. Her credulity on this occaſion terminated in obſtinacy; for ſhe firmly believed that all Elizabeth's profeſſions were ſincere, and her affection ſo unalterable, that ſhe ſhould find in her a friend, a ſiſter, and a protector. She therefore perſiſted in the deſign ſhe had formed of throwing herſelf into Elizabeth's arms, and ordered the lord Herries to acquaint the deputy-governor of Carliſle-caſtle with her reſolution, which he did on the fifteenth of May; ſo that ſhe may be ſaid to have lived at liberty only thirteen days, from the time ſhe

The author of the Enquiry.

was

was impriſoned in Lochleven-caſtle, to the end of her life. A. D. 1568.

and from thence to England.

Lord Herries, in his letter, demanded of the deputy-governor, whether his miſtreſs, now that her affairs had taken ſo fatal a turn, by her late defeat at Langſide, could ſafely truſt herſelf in Carliſle. The deputy-governor's anſwer was, that his ſuperior officer, the lord Scroop, was at London, and that he would ſend an expreſs to receive Elizabeth's orders; but that, in the mean time, if Mary ſhould be conſtrained to come to Carliſle, he would give her ſhelter and protection from her enemies till the queen of England's pleaſure ſhould be known. Before this anſwer reached Dundrannan, Mary's fears were ſo precipitate, that ſhe had thrown herſelf into a fiſhing-ſmack, attended by the lord Herries, the French embaſſador, and about fourteen other perſons, and landed that night at Wirkington, on the ſouth ſide of the river Derwent in Cumberland, and ſixteen miles from the mouth of the river Dee and Nith in Scotland (from one of which ſhe muſt have taken her paſſage) and about thirty Engliſh miles diſtant from Carliſle. At firſt ſhe endeavoured to conceal her quality, but ſhe was quickly ſuſpected by the neighbouring gentlemen to be no ordinary perſonage; and when they knew her to be the queen of Scotland, they conducted her, with the greateſt marks of reſpect, to Cockermouth,

A. D. 1568. a town belonging to the earl of Northumberland, who firſt gave Elizabeth intelligence of her arrival in England.

Behaviour of Elizabeth,

If that princeſs was ever ſincere in her profeſſions of friendſhip towards Mary, her ſentiments were now altered. Beaton had found ready admittance to her preſence, when he diſcharged his commiſſion; but he was ſo incautious as previouſly to inform Cecil that he was ordered by his miſtreſs to proceed to the court of France, and to make the ſame requeſt to that king as he was to make to Elizabeth, a ſupply of men and money. Cecil did not fail to acquaint Elizabeth with this particular; and though ſhe gave Beaton all poſſible encouragement, ſhe told him, with an air of frankneſs, that Mary could receive no aſſiſtance from her, if ſhe applied for any from France; upon which, Beaton promiſed to do nothing at that court, but to notify his queen's eſcape from priſon. In the mean while, Cecil informed Norris, the Engliſh reſident at Paris, of what had happened, and inſtructed him to acquaint the French king, that if any aſſiſtance was ſent to Mary from France, ſhe was to expect none from England. Elizabeth next ordered Leighton, a gentleman of her court, to repair, but with no higher character than that of an agent, to Scotland (Mary's arrival in England not being yet known) with a ſet of inſtructions, which are ſtill extant, in Cecil's

cil's own hand. They contain in ſubſtance, A. D. 1568.
that Leighton ſhould make an offer of Elizabeth's mediation between Mary and her ſubjects; and if the ſame ſhould be rejected by them, that Elizabeth would ſend an army to reduce them to their duty, provided that no forces arrived from France. She ingenuouſly gives her reaſons for this caution, which are, that if any ſuch troops ſhould arrive in Scotland, they would ſoon revive the former broils and animoſities among the three kingdoms. Elizabeth promiſed likewiſe, that if both parties would accept of her mediation, and leave the ſettlement of their affairs to her, ſhe would ſend ſo reſpectable an embaſſy to Scotland, as ſhould replace Mary in all her power, and maintain them in all their privileges.

who becomes Mary's enemy.

Though Leighton had no opportunity to execute this commiſſion, yet, from its contents, we have no reaſon to doubt the ſincerity of Elizabeth's profeſſions in Mary's favour; and when Beaton took his leave, Elizabeth charged him with another ring to be preſented to Mary *. A few hours ſoon gave her other

* I have already mentioned a ring which Mary received from Elizabeth, and which Camden and other authors ſay, Beaton preſented to Elizabeth at his audience; but that circumſtance cannot be true, as it appears by Mary's letter ſhe had not that ring in her poſſeſſion when ſhe eſcaped from Lochleven. Mr. Keith is inclined to believe, that no ring was ſent from either queen on this occaſion; but it is certain, from the conferences that happened afterwards at Hampton-court, that Elizabeth gave one to Beaton.

ideas,

A. D. 1568. ideas. She no ſooner received the account of Mary's arrival in England, and a letter from herſelf to the ſame purpoſe, which has been printed by Camden, than ſhe aſſembled her privy-council to deliberate how ſhe was to proceed. Leiceſter, who had before always appeared to have been Mary's friend, now, for the firſt time, took part with Cecil, by declaring himſelf her violent enemy. They urged, that as Mary had arrived in England without any ſafe-conduct, or aſſurance from Elizabeth, ſhe thereby became her priſoner. This was the ſenſe of the majority; and from Elizabeth's after proceeding, there is no room to doubt, that ſhe, from that moment, (whatever her outward profeſſions might be) ſecretly determined to make Mary her priſoner, and to treat her as ſuch, without any regard to Mary's calamitous circumſtances, or her own former proteſtations *. She now entered upon a moſt amazing ſcene of diſſimulation, in which ſhe was aſſiſted by her miniſters, and even by Throgmorton, who durſt not oppoſe Leiceſter. She ordered one Middlemore to repair to Scot-

* Mr. Camden, who wrote Elizabeth's life at the requeſt of the Cecil family, chiefly to clear lord Burleigh from the concern he had in Mary's perſecutions and death, is, in this part of his hiſtory, very inaccurate. It appears very plainly from the late publication of the Cecil papers, that the moſt important of them, relating to that unfortunate lady, were concealed from his knowledge. The reverend Mr. Keith's hiſtory, from which I have reaped ſo much benefit, ends at Mary's flight into England.

land,

land, and to talk roundly to Murray concerning his conduct and rebellion againſt Mary, and even charged him with a letter, commanding him to clear up his conduct by a writing under his own hand *. There is, however, A. D. 1567.

* Mary's firſt letter to Elizabeth gives us a ſtronger picture of her ſituation and ſufferings than is to be met with elſewhere. The tranſlation from the French is as follows:

"Although my dear ſiſter is not unappriſed of the conduct of ſome of my ſubjects, whom, from nothing, I raiſed to the firſt dignities in my realm, yet that their ingratitude and rebellion may appear the more conſpicuous, your majeſty will pleaſe to recollect how firſt they attempted to ſeize me, and the king my late huſband; but it pleaſed God not only to defeat their enterprize, but to permit us to drive them from our kingdom, into which, however, they were again received, at your requeſt. But no ſooner were they returned, than they committed a more enormous crime than the former, by killing one of my ſervants in my preſence, when big with child, and by holding me captive. And though Providence was again propitious in delivering me out of their power, and I not only forgave, but received them into as great confidence as ever; yet they, forgetting my favour, and diſregarding their promiſe, deviſed, favoured, ſigned, and aſſiſted in a crime which they falſely impute to me, as I hope plainly to prove to you. Under this pretext they came againſt me in battle-array, accuſing me of being badly counſelled and of keeping bad company, from which they wanted to deliver me, that they might freely ſhew me what things required reformation. Being conſcious of my own innocence, and willing to prevent bloodſhed, I ſurrendered myſelf. But reformation (of which I was deſirous) was not their purpoſe. They ſeized and ſent me to priſon. When I accuſed them of breach of promiſe, and requeſted to know the reaſon of this diſloyal uſage, they anſwered me not. I aſked to be heard in council: it was refuſed me. In ſhort, they confined me without the neceſſary attendants; two women, a cook, and a ſurgeon, being all my houſhold. They threatened to kill me, if I did not ſign a renunciation of my crown, which the fear of death only made me to do, as I have ſince evidenced before all my nobility, and as I hope to give you authentick proofs of. After that, they reſeized, (ils me reſaiſirent) accuſed, and proceeded againſt me in parliament,

A. D. 1568. too good reaſon to believe, that Middlemore was charged with private inſtructions, very

parliament, without acquainting me with their reaſons, without hearing me, forbidding any lawyer to defend my cauſe. They likewiſe obliged others to accede to their uſurpation of my dignity; and robbing me of every thing I had in the world, they would never permit me, either by words or writing, to prove the falſity of their inventions. At laſt it pleaſed God to deliver me, when they were on the verge of murdering me, that they might enjoy my ſtate with more ſecurity, although I offered to anſwer their accuſations, and to concur with them in puniſhing the guilty. I ſay it pleaſed God to deliver me, to the great contentment of all my ſubjects, Murray, Morton, Hume, Glencairn, Sempil, and Marr, only excepted; and yet, after the whole of the nobility had reſorted to me, I ſent, in ſpite of their ingratitude and unjuſt cruelty, to offer them ſurety for their lives and eſtates, and to call a parliament for the reformation of the ſtate. Twice did I make this overture, and twice did they impriſon my meſſengers, and, by proclamation, declared all who ſhould aſſiſt me traitors. I informed them, that if they would name any one of my party to mediate in peace, he ſhould be ſent; provided they would alſo commiſſion thoſe of their faction I ſhould pitch upon, for that purpoſe. They took my officer, and my proclamations; and when I demanded a ſafe-conduct for my lord Boyd, they anſwered, if any had failed in duty to the regent and my ſon, whom they ſtile king, they had nothing for it, but to deſert me, and ſubmit. This greatly incenſed all the nobility. Notwithſtanding, when I conſidered that they were only private men, (particuliers) and that all my nobles were more than ever devoted to my ſervice, I would not proceed to chaſtiſe them, hoping that time, and your favour, would by degrees reduce them to their duty. But being informed that they were reſolved either to retake me, or all die in the attempt, I began to march towards Dumbarton, my nobility keeping between me and the enemy. This when they ſaw, they poſted themſelves in the way of my forces, in order to catch me. My troops, being irritated to be thus interrupted on their march, attacked them, but without order. Thus, though I had twice their number, God permitted me to be diſcomfited. Many were killed in the field, many cruelly in the retreat, and many were made priſoners. But breaking off the purſuit, in order to take me either dead or alive, I haſted firſt to Dumbarton; but

ſoon

incompatible with his oſtenſible orders. The lord Scroop was ordered to co-operate with Middlemore; but the reader, in the notes, will perceive how they executed their commiſſion, in a letter written by Mary to Elizabeth in French, which I have tranſlated, and eſteem to be one of the moſt perfect models of epiſtolary writing, though I do not recollect to have ever ſeen it in any Scotch hiſtorian *. A.D. 1568.

ſoon changing my courſe, God, of his infinite goodneſs, preſerved me, to fly into your country, being well aſſured that I, my lord Herries, and the other nobles who attend me, will not only find a ſafe protection from their cruelty in your natural goodneſs, but aſſiſtance to recover my kingdom, and recommendation to other ſovereigns. I beg you will ſend immediately for me, as I am in a condition not even ſuiting a ſingle gentlewoman, having ſaved nothing from the enemy; to eſcape whom, I was obliged to ride ſixty miles the firſt day acroſs the country, never having dared ſince then to travel but by night. But as I hope ſoon to narrate to you, if you compaſſionate my misfortunes, the whole of their proceedings, I will not at preſent importune you with a longer narrative; but end with my prayers to God for good health and long life to you, and to me patience and conſolation, which I expect from you, to whom I humbly recommend myſelf. Wirkington, May 17, 1568.

* "Madam, my good ſiſter, the gentleman who delivers you this, being come with a commiſſion from my good brother the king of France, that he may underſtand the truth of my ſtate and treatment in your kingdom, I am ſorry that I have ſo little reaſon to praiſe the behaviour of your miniſters. As for yourſelf, I neither can, nor will complain of you; and the rather, becauſe I underſtand by my lord Herries, as well as by the copy of a letter you wrote to my baſtard-brother, that you have ordered that wicked ſubject to render you an account of his unjuſtifiable proceedings. But what has followed? Middlemore ſent to protect my ſubjects, has not, indeed, met with a refuſal of your requeſt, for that you might command; but before his eyes, they have demoliſhed the houſe of a principal baron, and without ſeeming to take offence at an outrage ſo diſgraceful and diſhonourable to your friendſhip, in which I and my friends re-

A. D. 1568. Mary finds herſelf a priſoner.

Mary was conducted from Cockermouth to Carliſle, and waited upon by the lord Scroop,

poſe our all, he has remained for eight days with them in their company. What kind of offices he uſes, I cannot ſay; but all my ſubjects affirm, that they are worſe treated ſince his arrival. My enemies go farther; they boaſt of having an additional authority by him; and while they are purſuing their plan of conquering my kingdom, they are abuſing you with promiſes, that they will lay before you the proofs of their wicked calumnies. What terrors would not this unequal treatment, which we receive, ſtrike into me, were I not emboldened by my innocence, and my truſt in that God who has hitherto preſerved me! Conſider, madam, they poſſeſs my authority, they uſurp my power, they have my eſtate as the means of corruption; the revenues of the kingdom are at their command; and your miniſters, ſome of them at leaſt, daily ſend them advices and counſels how to behave ſo as to win you over. I wiſh to God you knew what I know. As to me I am here, kept as a priſoner, and diſcountenanced by the refuſal of your preſence; while my enemies, with ſwords in their hands, have ſeized my all, under falſe inventories, the methods which they have uſed to detain them, while they proſecute their malicious ſlanders againſt me, who am deſtitute of counſel, and the means of making the proper preparations, under ſuch circumſtances, for vindicating my honour. All I can ſay is, may God judge between them and me!

"My enemies have ſeen their cauſe countenanced by the only power from whom I expected relief; nay, my lord Scroop was commiſſioned to treat with them, which was the ſame thing as owning them to be the fountain of juſtice.

"I cannot help pouring forth my complaints to you, to beg that you would ſend for me, that you may hear my ſorrows, and give me quick relief, according to my neceſſities; or elſe that you would permit me to retire to France, or to any other country, where, as I wrote in my laſt letters, I ſhould find more ſuitable entertainment. I again implore you, as you ſee what effects have followed, not to award ſo unequal a combat, betwixt them armed, and me defenceleſs. Impart to this gentleman your reſolution, whether, in reſentment of the diſhonour they have done you, you intend to aſſiſt me, or to ſuffer me to go. For without waiting for a third attack, I ſhall be forced to have recourſe to the kings of France and Spain, if you will take no concern in, nor have any regard for, my juſt complaints; and when I am reſtored to my dignity, I ſhall then be in a condition

to

and Sir Francis Knolles, Elizabeth's vice-chamberlain, with letters from that princeſs, filled with profeſſions of friendſhip, and promiſes of re- A. D. 1568.

to convince you of their malice, and my innocence. To ſuffer them to conquer my kingdom, and then come and accuſe me, what have I gained by putting myſelf under your protection? Is it a proof of their righteouſneſs that they proceed without anſwering for what is laid to their charge? Judge, madam, according to that ſuperior underſtanding with which God has bleſt you, and not according to the views of thoſe who are ſwayed by partial affections. I blame no perſon; but tread upon a vile worm, and it will turn againſt you. With what anguiſh then muſt a royal heart bear thoſe delays which your adviſers have occaſioned?

"I implore you, hear my complaints, which I have deſired this gentleman to lay before you, and give them ſuch an anſwer as that they ſhall need to proceed no farther. Thus, according to my hopes in you, you ſhall demonſtrate that you have no occaſion to be admoniſhed to do juſtice to your blood, your equals, your neighbours, and your friends; and that you are even careful to hear and relieve the afflicted and oppreſſed, rather than the powerful and the unjuſt. Prove yourſelf, in effect, to be my elder ſiſter, and you ſhall ſee that, with all gratitude and obedient friendſhip, I ſhall prove myſelf worthy of being the younger. The king, my good brother, will aſſiſt you in all your undertakings, if you require it; ſo will the king of Spain; and both of them ſhall owe you thanks. But, this apart, let the obligation be to me alone, let the ſatisfaction be theirs; and, according to your anſwer, this gentleman will either aſſure his maſter of your good offices, or will put him upon employing his own, which will give me no ſmall uneaſineſs, on account of the friendſhip I promiſed myſelf at your hands, and which you had once reſolved to perform.

"I likewiſe beg that you will ſuffer the lord Fleming to proceed on his journey, in ſome particular buſineſs relating to my jointure. There are certain other ſmall requeſts in favour of ſome of my moſt truſty ſervants, which I have deſired this gentleman to lay before you. Not to trouble you with a longer letter, I make a tender to your majeſty of my moſt affectionate reſpects, praying God, madam, with health, to give you a long and happy reign. From Carliſle, this twenty-firſt of June,

Your good ſiſter,
Mary R."

A. D. 1568. dreſs; but they were at the ſame time ſecretly enjoined to keep a ſtrict watch over all Mary's motions, that ſhe might not regain her liberty. This was the effect of Cecil's counſels. He had convinced Elizabeth, that if Mary was ſuffered to go over to France, ſhe would return to Scotland with a French army, which, when joined by her friends there, might endanger Elizabeth's crown. To have reſtored Mary to the throne of Scotland, was, he ſaid, equally dangerous to Elizabeth; as the firſt uſe ſhe would make of her power would be to extinguiſh the Engliſh, and, perhaps, the proteſtant intereſt in that country, by the ſevere revenge ſhe would take upon her enemies. He concluded, therefore, that the moſt fortunate event of Elizabeth's reign was, that ſhe had now her moſt formidable enemy her captive. Elizabeth, though a great princeſs, had about her many feminine weakneſſes; among which was a high conceit of her own perſonal beauties, and appearing ſenſibly mortified with the thoughts of being rivalled. All Europe reſounded with the fame of Mary's charms, which were now at their full height, while her converſation and writing proved that the accompliſhments of her mind exceeded, if poſſible, thoſe of her perſon. The having it in her power to lock up from the public view the only rival ſhe dreaded, either in empire or beauty, flattered her vanity. It was an event which

which ſhe durſt not have hoped for, and eraſed from her mind all ſentiments (ſuppoſing them to have been ſincere) of friendſhip for her ſiſter queen. A.D. 1568.

The firſt requeſt made by Mary to Elizabeth was, that ſhe might be admitted to her preſence, that ſhe might clear herſelf from every imputation upon her conduct, either as a queen or a woman. She then ſent lord Herries with letters, repeating this requeſt in the moſt earneſt manner; and Elizabeth received him with great apparent cordiality; but intimated, that before ſhe gave his miſtreſs a meeting, ſhe muſt clear up her conduct. She charged him, at the ſame time, with a letter to Mary, and gave him copies of Middlemore's inſtructions; nay, ſhe ſeemed impatient to have an opportunity to give Mary the moſt convincing proofs of her friendſhip and affection. The report made by lord Herries of his favourable reception, filled Mary with the moſt agreeable hopes of ſeeing a ſpeedy end to her ſufferings; but a few hours awakened her from her deluſion, when ſhe found ſhe was a priſoner. It was upon this occaſion ſhe wrote the letter to Elizabeth which I have already inſerted in the notes, becauſe the tranſactions mentioned in it were previous to the date of the letter, which is their only voucher. Upon the return of Herries, and his preſenting her with Elizabeth's letter, ſhe was amazed to find that prin- She writes to Elizabeth

ceſs

A. D. 1568. ceſs inſiſt upon her clearing herſelf from all the charges againſt her, in a legal, formal, manner, and before Engliſh commiſſioners. Mary was ſoon removed to Bolton, a houſe belonging to the lord Scroop. In the mean while, Cecil received a letter from the Engliſh embaſſador at Paris, dated the ſeventh of July, acquainting him with a deſign entered into by the kings of France and Spain, and the pope, againſt Elizabeth, upon Mary's account. This deſign was diſcovered to Norris by the provoſt-marſhal of Paris, whom he entertained as a ſpy, and who informed him, that an Italian, who was very intimate with the earl of Arundel in London, was the agent for the party there; and that the French king was to fit out ſix gallies under De Lagard, as his proportion of the expedition. Elizabeth and her miniſters believed, or affected to believe, this intelligence; and Mary's unguarded reſentment at the treatment ſhe received, ſerved as a handle to juſtify farther ſeverities.

in the moſt pathetic terms.

The counteſs of Lenox had been delivered out of the Tower, upon the news of her ſon's murder reaching Elizabeth; and was now become intimate with that princeſs, who encouraged her in her inceſſant and earneſt applications againſt Mary for that inhuman act. Elizabeth ſtill pretended to be under great difficulties how to behave, while Mary complained bitterly of her admitting the counteſs

of

of Lenox to her company, and excluding her from that privilege which ſhe ſaid was due to her birth, ſufferings, and her innocence. Mary, at laſt, threatened to make a public appeal to the princes of Europe concerning her wrongs. Elizabeth's reply was, that the Engliſh lion was generous, but was not to be braved. Mary, in return, hoped, that if ſhe had made uſe of any unbecoming expreſſions, that Elizabeth would conſider them as being wrung from her by her injuries and miſeries. "If (ſaid ſhe) I have offended you, I am in your power to make you ſatisfaction. But if you injure me, to whom can I complain of my good ſiſter and couſin, but to the queen of England? If you, added ſhe, are the firſt of the lion brood, you cannot refuſe me to be the ſecond." Mary then offers to order all her party in Scotland immediately to lay down their arms, and to ſubmit her cauſe to a trial in Weſtminſter Hall. She wrote many other letters to the like purpoſe, which I am obliged to omit. All their effect was only to multiply her hardſhips. She had ſent the lord Fleming to aſſiſt lord Herries at the Engliſh court, and from thence to proceed to that of France; but even this poor conſolation was denied to Mary; and Elizabeth ſtopt Fleming in his journey, on pretence, that ſhe had already acquainted the French king of her affairs by his embaſſador, Beaumont. Cecil went ſo far as to ſay

A. D. 1568.

Letter from Mary to Elizabeth, Aug. 7.

at

A. D. 1568. at the council-board, that Elizabeth ought to avail herſelf of the juncture, by reviving her claim of ſuperiority over the kingdom of Scotland. That artful miniſter was no ſtranger to Elizabeth's ſecret thoughts; and was inceſſantly ſuggeſting to her and her council the dangers that muſt accrue to England, if Mary was ſuffered to regain her liberty. He held it as an undoubted truth, that ſhe was born the hereditary enemy of Elizabeth, whom ſhe hated in her heart, and whom ſhe conſidered as the author of all her misfortunes; and that the firſt uſe ſhe would make of her freedom, would be to throw herſelf into the arms of France, which, in conjunction with her party both in England and Scotland, would be greatly an overmatch for Elizabeth. Theſe reaſons are inforced in Cecil's papers that have come to our hands, with great perſpicuity, and ſtrength of reaſoning; but the particulars do not properly fall within the compaſs of hiſtory.

Her diſtreſt ſituation in England and Scotland.

Mary's ſituation became every day more deplorable. The earl of Northumberland and the popiſh ſubjects of England were removed from her perſon; and a deſign was formed to remove her either to Nottingham, or Fotheringay. The Engliſh council of the North was reprimanded for the civilities ſhewn her by the members. The lord Claud Hamilton, and other young Scotch noblemen, who had come to pay her their

their reſpects, were told that their abſence would be more agreeable; and it was even hinted to herſelf, that ſhe ought to break off all correſpondence with Scotland. In that kingdom Mary's affairs wore the ſame melancholy aſpect. Immediately after the battle of Langſide, the caſtles of Hamilton and Draffan ſurrendered to the regent; and the lord Ruthven was ſent to command againſt the earl of Huntley, who had advanced to the banks of the Tay, to join Mary with a thouſand foot, and a thouſand horſe; but hearing of her overthrow, he thought it prudent to return to the north. In the mean while, the earls of Argyle and Caſſils had drawn together the ſcattered remains of Mary's army to a conſiderable number; but hearing that the regent was advancing againſt them, at the head of four thouſand men, they diſmiſſed their forces, and many of them gave hoſtages to him for their good behaviour. Upon Middlemore's arrival in Scotland, he found the regent triumphing over all oppoſition. A.D. 1568.

Mary's conduct under ſuch a load of afflictions, though paſſionate, and ſometimes inconſiſtent, was natural. She often upbraided Elizabeth as having prevailed upon her to readmit her rebels into Scotland. She ſometimes complained of her duplicity, in detaining her, a ſovereign, free-born, princeſs. At other times, ſhe threatened to apply for juſtice to other princes, nay, to the Turk himſelf, if ſhe was de- A commiſſion appointed for trying her,

A.D. 1568. nied it in England; and ſhe complained moſt vehemently, that Elizabeth had agreed to admit her rebel and baſtard brother to her preſence, while ſhe excluded her, though her equal and her ſiſter, from that privilege. As to the regent, though he had the ſtrongeſt aſſurances that his perſon and cauſe were favoured by Elizabeth, yet he ſought to guard himſelf againſt accidents. Elizabeth had required him to forbear all hoſtilities againſt the queen's party, and he ſeemed to obey, though he pleaded that he had done nothing but by the authority of parliament. I am, however, to obſerve, that Mary was denied to be heard before that parliament in her own defence. After a long debate in the Engliſh council, Elizabeth ſaw that ſhe could with no colour of equity reject all Mary's applications; and under pretext of Mary having already agreed to have her cauſe heard before Engliſh judges, ſhe named the duke of Norfolk, the earl of Suſſex, and Sir Ralph Sadler, her commiſſioners to try the cauſe between Mary and her ſubjects. It does not appear, that Mary had ever preciſely agreed to that method of proceeding; but Elizabeth took advantage of her general declarations, that ſhe was willing to refer her cauſe to her cognizance. It was eaſy to ſee that Elizabeth, by the method ſhe propoſed, would gain all the ends ſhe ſecretly aimed at, and ſtill preſerve ſome appearance of juſtice. It was no difficult matter

to

to perplex and prolong the trial, and thereby to continue Mary's confinement, while Murray was to reign in Scotland as Elizabeth's ſubſtitute. A. D. 1568.

Murray, in the mean while, had notice given him to be ready to appear before Elizabeth's commiſſioners, on the fourth of October following; but this reſolution of Elizabeth was diſagreeable to both parties. The lord Herries, who was Mary's ambaſſador with Elizabeth, endeavoured to explain the meaning of his miſtreſs, in offering to ſubmit her cauſe to Elizabeth. He ſaid, ſhe never meant to admit her own ſubjects to be parties againſt her; but that ſhe might have acceſs to Elizabeth, to whom ſhe would not only vindicate her conduct, but make ſuch diſcoveries as were known only to herſelf. He objected, for the ſame reaſon, againſt his miſtreſs debaſing herſelf to admit Engliſh noblemen, be their rank ever ſo high, as judges between her and her ſubjects. This oppoſition made by Herries, ſerved as freſh matter to juſtify Mary's continuance in priſon, eſpecially after Elizabeth had received letters from Mary herſelf to the ſame purpoſe. Elizabeth referred Herries to her council, who charged him with having retracted what had been before agreed upon by himſelf and his miſtreſs. Herries made the beſt apology for both he could, and offered, if Elizabeth would ſuffer Mary to return to Scotland, to procure the guaranty of the kings of France and Spain, that no

It is oppoſed by lord Herries.

A. D. 1568. foreign troops ſhould be admitted into that kingdom; but not being able to produce any authority from thoſe two potentates, Elizabeth perſiſted in her reſolution of trying Mary's cauſe before commiſſioners.

Conduct of the regent. The regent, on the other hand, proceeded with every caution that attends conſcious guilt. Though he was well aſſured of Elizabeth's favour and Cecil's friendſhip, yet he thought proper to make ſome previous ſtipulations. He demanded a full and particular anſwer of what he was to expect, in caſe he and his friends ſhould make good their allegations againſt Mary, by proving the letters, ſonnets, and contracts they had in their hands to be originals of her writing. Cecil anſwered this demand in a moſt evaſive manner. He ſaid, if his commiſſioners ſhould appear before thoſe of Elizabeth, they ſhould be heard; but that, though the papers in queſtion ſhould be found to be originals, both parties ſhould have a fair hearing. Upon further conſideration, the lord Herries, with Mary's conſent, agreed to accept of the commiſſioners; and upon his return to Bolton towards the end of July, he made the following declaration to Mary in the hearing of lord Scroop and Sir Francis Knolles, which is of too much importance to the ſubſequent part of this hiſtory to be omitted here.

"Queen Elizabeth hath commanded me to aſſure your majeſty, if you will commit your cauſe

cauſe to her, not as your judge, but as your coufin and friend, ſhe will ſend for thoſe noblemen of Scotland who have depoſed you, and oblige them to render an account of their conduct, before any Engliſh commiſſioners you and her ſhall approve of; for which if they can aſſign reaſons (and the queen of England thinks they cannot vindicate their behaviour) queen Elizabeth will by arms (if they ſhould oppoſe it) replace you on the throne, on condition that you renounce all claim to her crown during her life, and that of the iſſue of her body; that you abandon France, and enter into a ſtrict confederacy with England; and, laſtly, that rejecting the maſs, you receive the common prayer-book of the Engliſh communion." A. D. 1568.

Alteration of Mary's behaviour.

It was obſerved of Mary, that after her arrival at Bolton caſtle, her perſon and behaviour was entirely altered. Whether from policy or dejection of ſpirit (but moſt probably from both) ſhe loſt that eaſe and affability which had enchanted all who approached her, after her firſt arrival in England. She now appeared thoughtful, reſerved, and backward in ſpeaking, either of her friends or enemies; and in matters of religion ſhe diſcovered ſo wonderful a docility, that ſhe admitted the miniſtry of a proteſtant chaplain, and even liſtened to his arguments for her converſion. Though at firſt ſhe made ſome ſcruple with regard to the above declaration of the lord Herries from Elizabeth; yet ſhe afterwards

A. D. 1568. afterwards acquieſced in it, and even ſent Elizabeth thanks for her favour. Her calmneſs and reſignation touched lord Scroop ſo much, that he wrote to the regent an account of the agreeable change which had been wrought in Mary, and in ſuch terms as hinted that Elizabeth was beginning to have a very favourable opinion of her. The regent, in anſwer to this letter, treated Mary's reformation as a mere farce, and herſelf as a vile diſſembler till ſhe could gain her ends. Mary wrote a letter to the regent, about the ſame time, upbraiding him with his barbarity and ingratitude. The anſwer ſhe received conſiſted in profeſſions of moderation towards her cauſe, and regard to her perſon, and the ſtrongeſt aſſurances of his being actuated only by public ſpirit, and the duty he owed his country.

Her friends in Scotland apply to Elizabeth.

Mary's party in Scotland, though ignorant of her having ſubmitted to be heard before Engliſh commiſſioners, had aſſembled at Larges in a numerous reſpectable body. They joined in a letter addreſſed to Elizabeth, deſiring that ſhe would reſtore their injured ſovereign to her dominions, in which caſe they promiſed to ſhew themſelves for ever grateful to her (Elizabeth); putting her in mind, at the ſame time, that they were far more capable than the regent and his party of doing her ſervice. This letter, which is dated the twenty-eighth of July, is ſigned by the archbiſhop of St. Andrew's,

drew's, Huntley, Argyle, Crawford, Errol, Rothes, Caſſils, Eglington, Caithneſs; the lords Fleming, Roſs, Sanquhar, Ogilvie, Boyd, Oliphant, Drummond, Borthwick, Maxwell, Somerville, Forbes, and Yeſter. A.D. 1568.

Though Elizabeth took no notice of this paper, yet it had a ſtrong operation; and, by her requeſt, the regent ſummoned a parliament to meet at Edinburgh on the eighteenth of Auguſt, in order to know how that aſſembly ſtood affected towards their unhappy queen. Murray had a ſecret end to ſerve, by inducing the members to appear at York, as his commiſſioners, and the accuſers of Mary. At the ſame time, he reſolutely maintained his rights as regent, and threatened to forfeit all who did not recognize his authority. The queen's lords were proof againſt all his menaces; and continued in the field in ſo powerful a body, that he did not think it prudent to attack them, though he had made preparations for that purpoſe. He informed Elizabeth of his difficulties; and ſhe prevailed upon Mary to order her party in Scotland to quit the field, provided the regent abſtained from all hoſtilities, which he accordingly did; ſo that both parties diſmiſſed their forces.

Imprudent ſtep of Mary.

This was a fatal and imprudent ſtep in Mary, who probably was precluded from all opportunity of knowing the true ſtate of her affairs; otherwiſe, whatever ſeeming compliances

A. D. 1568. afterwards acquieſced in it, and even ſent Elizabeth thanks for her favour. Her calmneſs and reſignation touched lord Scroop ſo much, that he wrote to the regent an account of the agreeable change which had been wrought in Mary, and in ſuch terms as hinted that Elizabeth was beginning to have a very favourable opinion of her. The regent, in anſwer to this letter, treated Mary's reformation as a mere farce, and herſelf as a vile diſſembler till ſhe could gain her ends. Mary wrote a letter to the regent, about the ſame time, upbraiding him with his barbarity and ingratitude. The anſwer ſhe received conſiſted in profeſſions of moderation towards her cauſe, and regard to her perſon, and the ſtrongeſt aſſurances of his being actuated only by public ſpirit, and the duty he owed his country.

Her friends in Scotland apply to Elizabeth.

Mary's party in Scotland, though ignorant of her having ſubmitted to be heard before Engliſh commiſſioners, had aſſembled at Larges in a numerous reſpectable body. They joined in a letter addreſſed to Elizabeth, deſiring that ſhe would reſtore their injured ſovereign to her dominions, in which caſe they promiſed to ſhew themſelves for ever grateful to her (Elizabeth); putting her in mind, at the ſame time, that they were far more capable than the regent and his party of doing her ſervice. This letter, which is dated the twenty-eighth of July, is ſigned by the archbiſhop of St. Andrew's,

drew's, Huntley, Argyle, Crawford, Errol, Rothes, Caſſils, Eglington, Caithneſs; the lords Fleming, Roſs, Sanquhar, Ogilvie, Boyd, Oliphant, Drummond, Borthwick, Maxwell, Somerville, Forbes, and Yeſter. A.D. 1568.

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A. D. 1568. ances ſhe might make to Elizabeth, ſhe undoubtedly would have inſtructed her lords to pay no obedience to her orders, becauſe they had been extorted from her under confinement. Murray being thus at liberty, aſſembled his parliament on the day appointed, being the eighteenth of Auguſt. This was an aſtoniſhing blow to the queen's party, who imagined that they were to wait the reſult of the proceedings in England. The meeting was, therefore, far from being unanimous. Many, even of the regent's party, exclaimed againſt the cauſe between Mary and her ſubjects being carried before a foreign tribunal; and Mary's party complained, by letter, to queen Elizabeth, of the inſidious manner in which they had been over-reached. This letter is dated the twenty-fourth of Auguſt, after the archbiſhop of St. Andrew's, the biſhop of Roſs, lord Claud Hamilton, and other of the queen's barons had been forfeited in parliament; and it was ſigned by the archbiſhop of St. Andrew's, Huntley, Argyle, Crawfurd, Caſſils, Eglington, Claud Hamilton biſhop of Roſs, the lords Fleming, Sanquhar, Roſs, Boyd, Somerville, and Ogilvy.

Strength of Mary's party in Scotland.

From the above liſt of ſubſcribers, it appears, that the queen's party had greater power and property in the kingdom than that of the regent. The latter, however, was poſſeſſed of the executive authority, and had a body

body of troops at his command, ready to execute his orders; ſo that none of his profeſſed enemies durſt truſt themſelves at Edinburgh. The kings of France and Spain, and other princes on the continent, were ſtrongly prepoſſeſſed againſt him; and ordered their miniſters at Elizabeth's court to repreſent the caſe of Mary as that of royalty itſelf oppreſſed by a daring rebel. We have ſo many convincing proofs, from records, of Elizabeth's and her miniſtry's profound diſſimulation, that no hiſtorian can pronounce any thing deciſive as to her ſincerity or duplicity, farther than as intereſt is the criterion of either. She certainly, at this time, appeared to be highly incenſed with the regent for his proceedings againſt the queen's party; and told him, in plain terms, that if he did not appear at York, either in perſon or by his commiſſioners, on the day appointed, ſhe would hold Mary as acquitted from all the crimes that had been laid to her charge, and reſtore her to her crown by force of arms. A.D. 1568.

Activity and progreſs of Murray.

Murray, without truſting to Elizabeth's ſecret profeſſions of friendſhip, if ſhe made any, or appearing to be moved by her menaces, aſſembled his troops before the queen's party could re-unite theirs, and invaded the counties where Mary's chief intereſt lay. He made himſelf maſter of Annandale, Nidſdale, and the Lower Galloway, where he either garriſoned

A. D. 1568. ſoned or demoliſhed the houſes of his enemies; but, contented to ſhew what he was in a condition to perform, had he been rigorouſly diſpoſed, he appeared placable and moderate, if no farther provocation was given him. This was, in a great meaſure, owing to the counſels of Maitland. He was the only man on whom the regent could rely for advice; and he knew the advantage of having ſuch a ſtateſman in his party. Maitland, though very juſtly called the cameleon of that ſtate, wiſhed well both to his queen and his country; and therefore had prevailed upon the regent not to kindle a civil war in Scotland, by forfeiting the two heads of Mary's party, the earls of Argyle and Huntley. This forbearance indicated a conſcious weakneſs in the regent, and gave ſpirits to Mary's friends, eſpecially after they found that he could not prevail with any of his party to act as his commiſſioners at York.

He names his commiſſioners,

Such was the ſtate of the regent's affairs when he received freſh letters from Elizabeth, in a ſtrain that determined him (though with great reluctance) to a compliance with her will. On the eighteenth of September, a commiſſion paſſed the great ſeal of Scotland, in the name of the young king, appointing the regent, the lord-chancellor Morton, Adam biſhop of Orkney, Robert commendator of Dumfermling, with Patrick lord Lindſay of the Byres, or any three of them, his embaſſadors,

dors, to meet with the commiſſioners of queen Elizabeth at York, or any other place or places they ſhall think convenient, there amply to declare the reaſons of their arming againſt, their detaining, and depoſing the queen, that the juſtice of their cauſe might be manifeſted to the world: As alſo, in his name, either to confirm any former treaty, or to contract new ones for the maintenance of the true religion, and the reſiſting any foreign or domeſtic power that might attempt to diſturb the tranquillity of either realm. A. D. 1568.

By this time, the three Engliſh commiſſioners were arrived at York. The firſt of them, the duke of Norfolk, was a nobleman who ſtood as high in public eſtimation as he did in the rank of nobility, being the firſt temporal ſubject of England; and this was the great inducement which Elizabeth had to place him at the head of this commiſſion. He appears, however, to have been inexperienced and credulous, and without a proper ſhare of firmneſs for his ſtation. The earl of Suſſex had diſtinguiſhed himſelf only by his ſlaviſh compliances with power, having been a cruel perſecutor of the proteſtants under Mary of England, with whom he was a reigning favourite. He had parts and courage, and had always been remarkable for the contempt he expreſſed for Leiceſter. This was far from diſobliging Elizabeth, who, on ſuch occaſions, Sept. 20. Characters of Elizabeth's commiſſioners.

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A. D. 1568. affected the greateſt impartiality; and being preſident of the council of the North, he naturally became one of the commiſſioners. As to Sir Ralph Sadler, he was named, only becauſe he was a man of buſineſs, and for the great knowledge and experience he had in the affairs of Scotland. Wood, who was the regent's agent at London, had ſhewn them tranſlations of the letters and other papers charged upon Mary; and Elizabeth had been lately alarmed by the prince of Condé, with a report, that Mary had transferred to the duke of Anjou her right to the crown of England; and that his claim was to be ſupported by the popiſh princes of the continent, as ſoon as the pope ſhould confirm her renunciation. Thus nothing was wanting that could prejudge the cauſe of the unhappy Mary. Her commiſſioners were the lord Herries, the biſhop of Roſs, the lords Levingſton and Boyd, the commendator of Kilwinning, and the barons of Lochinvar, Skirling, Roſlin, and Grantully. Thoſe for the young king of Scotland (the proceſs being carried on in his name) were the regent, earl of Murray, the earl of Morton, the biſhop of Orkney, the abbot of Dumfermling, and the lord Lindſay. To them were joined, as aſſiſtants, Mr. James Macgill, Mr. Henry Balnaves, two ſenators of the college of juſtice, and Mr. George Buchanan, the celebrated hiſtorian, all of them devoted

Thoſe for Mary named.

voted to Murray's ſervice. Secretary Maitland, the baron of Lochlevin, the biſhop of Murray, and ſeveral other gentlemen, together with Murray's ſecretary, Wood, who is ſaid to have been the moſt factious tool of his time, acted as volunteers on the ſame ſide. The regent was furniſhed by Morton with the famous ſilver-box, and its contents; and he had given a receipt for the ſame to be forthcoming to Morton and the other lords who had taken arms againſt Mary, with the remarkable proteſtation, that he had neither AUGMENTED nor diminiſhed them, as if Mary's hand-writing had been a manufacture in which the parties dealt. As the proceedings of the commiſſioners have been often printed, we ſhall forbear filling our page with copies of the papers that paſſed among the three ſetts of commiſſioners, but ſtate the proceedings as they appear upon their journals. A. D. 1568.

Their proceedings

The acting commiſſioners for Mary were the lord Herries and the biſhop of Roſs; and having received their inſtructions from her at Bolton, they met with Elizabeth's, and the regent's, commiſſioners at York on the fourth of October. Elizabeth's commiſſion imported, that the duke of Norfolk, the earl of Suſſex, and Sir Ralph Sadler, were to treat and conclude with queen Mary, or her deputies, properly authoriſed, as alſo with James earl of Murray, and all others who ſhould come in the

A. D. 1568. the name of the prince, "whether ſtiled prince or king of Scotland, upon all hoſtilities that have been committed, or differences that at preſent ſubſiſt between the Scottiſh queen and any of her ſubjects, who own her ſon as their ſovereign: as alſo for determining any diſputes between the Scottiſh queen and her; for confirming former treaties, and contracting new ones, not only between the two queens, but between their realms and ſubjects."

at York. Nothing could be more inſincere than the whole tenor of this commiſſion; for Elizabeth was now predetermined upon Mary's condemnation, or upon protracting the proceedings in ſuch a manner as that her confinement ſhould be next to perpetual. She diſcovered, indeed, an appearance of great diſlike towards the regent, whoſe authority, as ſhe boaſted to Mary, ſhe had not yet recognized; but this was only that ſhe might drive them to the neceſſity of vindicating her own conduct at Mary's expence, ſo as to obtain a handle to proceed againſt her with the greater ſeverity. When Murray came into court, the Engliſh commiſſioners demanded a ſight of his commiſſion. At firſt, he refuſed to produce any, alledging, that he was himſelf a principal; but he promiſed to get every thing he agreed to, ratified under the great ſeal of Scotland. This did not ſatisfy the Engliſh commiſſioners; and at laſt he produced a commiſſion for himſelf and his

his fellows. In the commiſſion produced by Mary's friends, it was ſaid that queen Elizabeth had undertaken to reſtore the queen of Scots to her realm and authority. The Engliſh commiſſioners took exception at this clauſe, but at laſt accepted of the commiſſion in ſuch a ſenſe, as that thoſe words ſhould not be binding upon queen Elizabeth. A form of an oath was then propoſed to be taken by the Scots, to which the young king's, as well as his mother's, commiſſioners objected, as being too declaratory of Elizabeth's ſuperiority. Next day, however, Mary's commiſſioners produced the copy of an oath, which they were willing to take under a proteſt, that their miſtreſs, being a free ſovereign, did not mean, by having her cauſe examined, in that, to ſubmit herſelf to the judgment of any other power. The Engliſh commiſſioners accepted of this oath, but under a counter-proteſt, that they did not mean, by their acceptance, to prejudge any claim of ſuperiority which the crown of England might have over that of Scotland. Thoſe altercations being over, the dean of York adminiſtered the oaths, firſt to the Engliſh commiſſioners, and then to the Scotch. A.D. 1568.

On the ſeventh of October, the biſhop of Roſs and the lord Herries brought in, both by word and in writing, a heavy charge againſt Murray and his aſſociates, for the injuries they had done to their queen and her friends, calling upon the oppoſite

A.D. 1568. oppoſite party at the ſame time to produce their charge againſt Mary. A copy of this paper was ſent to the regent, who, with his fellow-commiſſioners, appeared in the afternoon of the eighth, and demanded to know, if they ſhould produce and prove their full charge againſt Mary, what aſſurance they had of being free and without danger from her diſpleaſure; and what ſurety they had for the young prince their king, if he ſhould be reſtored to their former eſtate. This demand was not new; for Elizabeth had foreſeen it, and inſtructed her commiſſioners accordingly. Their anſwer was, that though their miſtreſs earneſtly deſired to find Mary not guilty, eſpecially of the crime of her huſband's murder, yet ſhould ſhe prove otherwiſe, her majeſty would think her unworthy of a kingdom, and would not ſtain her own conſcience in maintenance of ſuch a deteſtable wickedneſs, by reſtoring her to a kingdom. The regent then declared that his demand aroſe from a general report which prevailed, as if Elizabeth was determined, at all events, to acquit Mary, and reſtore her to her kingdom. He added, that his enemies pretended to produce this promiſe under Elizabeth's own hand. The Engliſh commiſſioners eaſily refuted all thoſe reports; but next day, the regent, inſtead of bringing in his anſwer, as he promiſed, ſtarted two difficulties which had been ſuggeſted to him by Maitland. The

first was, that Elizabeth's commiſſion did not expreſsly authorize her commiſſioners to treat of Darnley's murder. The ſecond was, that they were apprehenſive of very bad conſequences, ſhould Elizabeth delay to give ſentence after the proofs were produced. To the firſt objection it was anſwered, that the words of their commiſſion being general "to treat of all matters concerning their controverſies," comprehended the murder. As to the ſecond objection, they could give it no other anſwer, than that Elizabeth's conduct ſhould be conſiſtent with honour and equity. Thoſe anſwers were far from removing the ſcruples of the Scotch commiſſioners, who inſiſted upon having ſecurity under Elizabeth's hand, that they ſhould not be expos'd to Mary's reſentment; otherwiſe, they refuſed to produce their proofs. A. D. 1568.

Every ſtep taken at this time by Murray and his confederates, are ſtrong evidences how conſcious they were, that the letters, ſo much boaſted of, were forgeries. Had they been produced, they came into the poſſeſſion of the court; and they had, as will appear ſoon, reaſon to think that the Engliſh commiſſioners would detain them for their own and Elizabeth's vindication. This might have been fatal to their cauſe, as undoubtedly it would have brought on enquiries into the genuineneſs of the papers themſelves, which Murray knew could not terminate to his advantage. They took a middle

Reaſons why the ſilver box papers were not produced.

A. D. 1568. way, and blackened Mary as effectually as if the ſilver box had been produced, and its contents authenticated. Maitland, who now acted as an aſſiſtant to Murray, Macgill, Wood, and Buchanan, repaired to the Engliſh commiſſioners, not as authorized by their principals, but as private gentlemen, and produced the contents of the ſilver box for their peruſal. It does not appear that any of the Engliſh commiſſioners were acquainted with Mary's hand; nor had they the leaſt reaſon to believe the papers to be of her writing, but becauſe her enemies confidently affirmed them to be ſo *; and upon this affirmation, which could not be admitted in the moſt venal court of juſtice, depends all the proof that has been brought of thoſe letters being written by Mary. The re-

* Mr. Goodall's objections to the authenticity of the letters are ſo ſtubborn, that Dr. Robertſon ſays, "All this author's (Goodall's) premiſes may be granted, and yet his concluſions will not follow, unleſs he likewiſe prove that the French letters, as we now have them, are a true copy of thoſe which were produced by Murray and his party in the Scots parliament, and at York and Weſtminſter: but this he has not attempted." This objection, if its principle is admitted, will go far towards invalidating any evidence that can be brought of a forgery. It has been ſo well and ſo accurately anſwered by the author of the Inquiry, (p. 61) that I muſt refer my reader to that ingenious performance. Was any argument wanting to aſſiſt what that gentleman has ſaid, I might add one which is plain and poſitive; I mean, that the accounts tranſmitted by the Engliſh commiſſioners of the papers laid before them by the four Scotch aſſiſtants, correſpond exactly with the French letters, as we now have them. The ſame may be ſaid of other extracts taken from them by Engliſh miniſters, and which are ſtill extant.

gent,

gent, at laſt, brought his anſwer to Mary's charge; but it did not come up to any direct accuſation of Mary for murdering her huſband. A. D. 1568.

This forbearance of Murray proved a vaſt diſappointment to Elizabeth, whoſe expectation had been wound up to the higheſt pitch, that the regent would have no difficulty in forming and proving the charge of adultery and murder upon Mary, from the copies of the ſilver box papers which had been ſent her. Dr. Robertſon is of opinion, that this moderation of the regent aroſe from ſome political views, and the remonſtrances made to him in private by the duke of Norfolk, as to the infamous part he was acting againſt his ſovereign and benefactor. This repreſentation, as the doctor has managed it, is plauſible; but it is unhappily deſtroyed by the ſingle fact of the regent's creature's having divulged the whole ſtrength of his evidence, though not in a judicial way, to the Engliſh commiſſioners, who actually ſent Elizabeth an abſtract of the whole, in terms that ſhewed they did not ſuſpect any forgery. On the 12th of October, the following words were added to Mary's commiſſion; and they are of importance, becauſe they prove how willing ſhe was to pardon her diſobedient ſubjects: "And there not only to treat, conclude, and indent, upon all ſuch heads and articles as ſhall be found to our ſaid deareſt ſiſter's commiſſioners Elizabeth diſſatisfied. P. 480.

A. D. 1568. and them, beſt for the furthering of the glory of God, the reduction of our ſaid diſobedient ſubjects to their dutiful obedience to us, for good amity, as well for by-gones as to come, betwixt them and all our obedient ſubjects, but alſo to treat, conclude, and determine, of all other matters and cauſes whatſoever in controverſy between her and her ſubjects."

She calls her commiſſioners to London.

In this ſtate of the proceſs every thing wore a favourable appearance for Mary; and Elizabeth's difficulties, how to proceed againſt her, were multiplied. Mary's commiſſioners thought proper to attend her at Bolton to receive further inſtructions; but on the 16th of October, Elizabeth's commiſſioners received from her a long, but artful letter, ordering Sir Ralph Sadler to repair to her court, and recommending to them to uſe means for prevailing upon the regent's party to ſend up to London Maitland and Macgill, and upon Mary's, to ſend thither the lord Herries and the abbot of Kilwinning. They were charged to inſinuate to Mary's friends, that this propoſal was in order to ſhorten time, and prevent inconveniences occaſioned by the great diſtance between York and London: in ſhort, that it was calculated for Mary's advantage. The reader cannot have the leaſt doubt of the inſidious tendency of this letter, when he peruſes the following paragraph. "In the delay herein, you ſhall do well to have good regard, that none of the queen of Scots commiſſioners

may

may gather any doubt of any evil ſucceſs of her cauſe, but that they may imagine this conference of ours principally to be meant how her reſtitution may be deviſed with ſurety of the prince, her ſon, and the nobility that have adhered to him: and therein you ſhall do well to underſtand their intentions in as many reaſonable degrees as may be deviſed; ſo as at the coming of you, Sir Ralph Sadler, we may have the more facility to treat thereof." A.D. 1568.

In the mean while, to give the better colour to this dark proceeding, the duke of Norfolk, who at this time was far from being ſuſpected of any attachment to Mary, was ordered to take a view of the frontiers and marches towards Scotland, while the earl of Suſſex was to apply himſelf to the affairs of his preſidency. On the nineteenth of October the commiſſioners met again. The duke of Norfolk and his collegues found very little difficulty in bringing both parties to agree to the deputation required by Elizabeth; only Mary thought proper to add the biſhop of Roſs to the number of her deputies. Next day a queſtion of great importance to the conſtitution of Scotland was ſtarted by the Engliſh commiſſioners; viz. To what perſon the regiment and cuſtody of a minor king of Scotland belonged during the minority? The anſwer given by Mary's commiſſioners was, that it was provided, by the immutable laws and cuſtoms of the realm of Scotland,

Diſpute about the Scotch regency.

A.D. 1578. Scotland, "that whoſoever is neareſt lawfully deſcended of the king's and queen's blood of that realm, being of perfect age, ſhall be governor to the king or queen during their minorities: howbeit, they are not permitted to have the keeping of their perſons, becauſe they ſhall ſucceed to the ſaid minors." They ſtrengthened this opinion by the recent inſtance of the duke of Albany, who, though a Frenchman, was declared in parliament regent of Scotland during James the fifth's minority. They obſerved that, in chuſing a regent, regard was only had to the neareſt deſcending lawfully of the king's and queen's inheritors or ſovereigns of the kingdom of Scotland, and that ſuch could not be ſet aſide by any election of the ſtates. To prove this they ſhewed, that, upon the duke of Albany's death, the ſtates of Scotland had ſet aſide the regency provided by the will of James the Fifth, and choſe the duke of Chatleheraut. As to any inſtances that appeared to the contrary in hiſtory, it was ſaid they are few or none; and if any, that the perſon ſo choſen was an uſurper.

The opinion of the king of Scotland's commiſſioners was directly the reverſe of this. According to them, "the ancient law of Scotland was, that the king's children being of non-age, the neareſt of the king's houſe, that was able to govern, ſhould be king for his life-time; and, after his deceaſe, the crown

ſhould

ſhould return to the king's children." The great inconveniencies attending this law, induced Kenneth the ſecond to fix the ſucceſſion of the crown in the hereditary line. Livingſton of Callendar was choſen governor to James the ſecond, though many perſons of the royal blood were then alive in Scotland; and the parliament choſe the governors of Scotland during the minority of James the third. I ſhall not purſue all the arguments drawn from hiſtory, with which this doctrine is ſupported, becauſe the reader will find them in the preceding part of this work. It is of more importance to obſerve, that Elizabeth, at this time, perhaps to quicken and intimidate Murray, ſhewed diſpoſitions for transferring the regency to the duke of Chatleheraut, which was the reaſon why ſhe charged her commiſſioners with this queſtion. This could not be unknown to Murray's party; and we accordingly find, in the paper they gave in, a moſt deſpicable repreſentation of that duke's perſon and his adminiſtration, and of his unfitneſs to be regent. A.D. 1568.

Though thoſe opinions were laid before Elizabeth, yet they did not anſwer her main end, which was to prevail upon Mary's commiſſioners to ſuffer the trial of her innocency, with regard to the murder of her huſband, to be brought before herſelf; and, if poſſible, to prevail upon them to own their powers to be ſufficient

Aſſurances of ſafety given to Murray.

A. D. 1568. ſufficient for that purpoſe. With regard to Murray, it was reſolved at Elizabeth's council-board, that he ſhould receive aſſurances, if he would prove Mary to be guilty of her huſband's murder, Elizabeth would never ſuffer her to be reſtored to her kingdom; but would proclaim to all the world her deteſtation of the guilt; "and (continues the Engliſh council-book) becauſe this manner of proceeding cannot be ſecretly uſed, but the knowledge thereof will, by ſome means, come to the queen of Scots, it is thought moſt neceſſary, before all things, that ſhe be circumſpectly looked unto for doubt of eſcaping: joining therewith the advertiſements out of France, of her friends report ſecretly, that it is determined how ſhe ſhould eſcape now about this time, and alſo how ſhe hath preſently written to the earls of Huntley and Argyle, and the reſt of her friends, to draw towards the weſt borders of England, to receive her into her country; pretending outwardly, that by the queen's majeſty's favour, ſhe ſhall be ſpeedily delivered: and therefore it is thought good that all preparation be haſtened for her removing to Tutbury."

Oct. 30.

A marriage projected between Mary and the duke of Norfolk.

This extract, from ſo reſpectable a record, ſhews how deep the enemies of Mary had laid the foundations of her ruin. But it is now proper that I ſhould unfold a ſcene, which, in a great meaſure, accounts for many of the incon-

inconſiſtencies that appear in the proceedings at York. The duke of Norfolk had lately loſt his wife; and even at the time he was appointed chief commiſſioner from Elizabeth, had formed a reſolution of marrying the queen of Scotland. Maitland had certainly a ſuſpicion of his intention; and we know that immediately upon his arrival at York, they had a very ſerious conference together upon the ſubject. Maitland acknowledged to the duke that he was determined to ſerve Mary; and that he had accepted of being one of the aſſiſtants to her enemies with that view. The duke believed him; and informed him, in confidence, that Elizabeth had determined to keep the cauſe between Mary and her enemies in ſuſpence, and to do whatever was in her power to oblige Murray and his party to charge her publicly to the full extent of the crimes they had alledged againſt her, and to produce the originals of the papers that had been tranſmitted to Elizabeth. Maitland receiving this important piece of intelligence from ſo unqueſtionable an authority, carried it to the regent, who afterwards had a conference with the duke upon the ſubject; and it is plain that he did not at all ſeem averſe to Maitland's opinion, that they ought not to go to extremes with Mary, by bringing a charge againſt her, which, was it proved, muſt not only cover her with eternal infamy, but affect the

A. D. 1568.

Murden's State Papers, p. 179.

A. D. 1568. legitimacy of her ſon, and conſequently his ſucceſſion to the crown of England. The duke likewiſe touched upon the danger that might accrue to the regent himſelf, and his friends, from the indeciſion of Elizabeth, who certainly would make her own intereſt the ſtandard of all her proceedings *. It is difficult, at this time, to ſay, whether both Maitland and the duke were not over-reached by the regent, and whether the latter did not keep up a ſecret correſpondence with Cecil, and his own ſecretary Wood, and inform them of all that had paſſed. I am inclined to believe that to be the caſe, rather than that the duke, as is aſſerted by the writer of Melvil's Memoirs, was betrayed by one of the queen's lords.

Murden's State Papers, p. 52.

Progreſs of that intrigue.

It appears, from the examination of the biſhop of Roſs, before the council of England, that ſoon after Mary's arrival at Bolton, the duke of Norfolk had found means, by the agency of his ſiſter the lady Scroop, to acquaint Mary of his intention to offer her his hand; that Mary, at the ſame time, had a cor-

* The author of Melvil's Memoirs has given us a very circumſtantial account of thoſe conferences, and pretends that he himſelf was in the ſecret. It is plain, however, that the whole of that account could not be written by one upon the ſpot, as many parts of it are unſupported by, and inconſiſtent with, the records; particularly in ſaying, that the duke of Norfolk, on the firſt day of the meeting, required the regent to "do homage, in the king's name, to the crown of England, thinking he had ſome ground to demand the ſame, ſeeing the ſaid regent there to plead his cauſe before the council of England."

reſpondence

reſpondence with Maitland, to whom ſhe had hinted the duke's propoſal; and that Mary ſhewed a great reluctance at coming to extremities with the regent and his party. The duke was of the ſame opinion, at firſt, very poſſibly, becauſe he thought that the ſilver-box papers were genuine. I am, however, inclined to believe, that in the future conferences he had with Maitland, the latter convinced him of the forgery; for we cannot, elſe, well account for the unremitting ardour which the duke afterwards expreſſed for compleating the match. Upon the whole, Elizabeth had reaſon to think, that ſhe ſhould more effectually attain her ends by calling all parties before herſelf, as the proceedings at York had turned out ſo much in Mary's favour. A. D. 1568.

The duke of Norfolk had again and again acquainted Elizabeth that the regent would perſiſt in refuſing to produce his main charge againſt Mary, till he ſhould have full aſſurances, under Elizabeth's own hand and ſeal, of pardon and indemnification, and himſelf being continued in the regency. Elizabeth, by calling the cauſe to herſelf, diſappointed the expectations of Norfolk. She ordered a new commiſſion to be made out, conſiſting of Sir Nicholas Bacon, the lord keeper of her great ſeal, the duke of Norfolk, the earls of Arundel, Suſſex, and Leiceſter, the lord Clinton, lord-high-admiral, Sir William Cecil, princi-

Elizabeth orders a new commiſſion.

pal

A. D. 1568. pal ſecretary of ſtate, and Sir Ralph Sadler, chancellor of the duchy. Elizabeth, upon the arrival of Mary's commiſſioners, affected to treat them with particular diſtinctions. She ſingled out the biſhop of Roſs, whom ſhe commended, in high terms, for his affection to his ſovereign, and ſhe publicly threatened to puniſh Mary's enemies, if they had nothing farther to alledge, to exculpate themſelves from the charge of rebellion.

Declaration of Mary's commiſſioners.

Whoever is well acquainted with the true hiſtory of Elizabeth and her miniſters, will not be at all ſurprized to find that Murray was previouſly acquainted with this declaration, as it furniſhed him with a plauſible pretext for exhibiting the whole of his charge againſt Mary. The firſt meeting of the new commiſſioners was at the great chamber at Weſtminſter; and after their commiſſion, under the great ſeal of England, had been exhibited and approved of by all parties, the biſhop of Roſs, in the name of his fellow-commiſſioners, offered to the board the following proteſtation, which is of too great conſequence to this hiſtory, not to have a place here. "We the commiſſioners for the queen's highneſs of Scotland, adhering to our proteſtations formerly made at York, declare, in preſence of the queen's majeſty's commiſſioners of England, before we enter in conference, that although our ſovereign is content to ſubmit the

difference

difference ſubſiſting between her and her diſobedient ſubjects to queen Elizabeth, ſo that they may be terminated to our miſtreſs's honour and weal, we nevertheleſs do ſolemnly proteſt, we neither mean that her cauſe ſhall be treated in form of judgment, or in judicial place (which queen Elizabeth has alſo promiſed by letter to our ſovereign); nor do we admit of any judge or judges, becauſe ſhe is a free princeſs; yet are we willing to confer, treat, and conclude, about ſuch things as our commiſſion warrants us, without prejudice, however, to our ſovereign's moſt royal perſon, crown, and honour; and we deſire this to be inſerted in the conference, and in every future agreement." Signed A.D. 1568.

Jo. Roſſen. Herries.
Boyd. Kilwinning.

All preliminaries being adjuſted, and the proper oaths adminiſtered, the regent was made eaſy by the Engliſh commiſſioners, with regard to the indemnification and ſecurity he had ſo long inſiſted upon. On the twenty-ſixth of November, the regent accordingly entered a proteſtation, containing his reaſons for delaying to charge Mary home with her huſband's death, and his unwillingneſs to do it then, were it not that he could not, by any other means, vindicate himſelf from her charge, which had made impreſſions upon Elizabeth and her council, very much to his prejudice. The regent proceeds in his charge.

A. D. 1568. The writer of Melvil's Memoirs repreſents the regent as having entered into ſtrong engagements with the duke of Norfolk, who it ſeems preſided at the board, not to exhibit the charge of murder againſt the queen. Upon his entering the court, the duke, as was his duty, demanded the accuſation; but the regent again inſiſted upon an indemnification under Elizabeth's hand and ſeal. The ſenſe of the court was, that her word was ſufficient; upon which Cecil aſked, whether the additional accuſation was ready? Anſwer being made by Wood that it was, and ſnatching it out of the regent's boſom, "I will not deliver it (ſaid he) till her majeſty's hand-writing and ſeal be delivered to my lord-regent for what he demands." Upon this, the biſhop of Orkney ſnatched the paper from Wood, and delivered it to the board. The regent being ſenſible of his error deſired to have it again, that he might add ſomewhat to it; but this was refuſed, though the board offered to accept of any additional matter in a ſeparate paper. Though I have given the ſubſtance of this ſtory as I find it in the Memoirs, yet I think it highly improbable that any ſuch farce was acted; or if it was, it was all preconcerted between Cecil and the regent. The additional accuſation againſt Mary is called an eik, becauſe it is ſupplemental to the former charge in the regent's anſwer. The whole of this very remarkable paper runs as follows:

"The accuſation againſt queen Mary, intitled, An eik to the anſwer preſented by us, James earl of Murray, and regent of the realm of Scotland, and remnant commiſſioners appointed for the king's majeſty of Scotland, our ſovereign lord, in his highneſs's behalf: and for ourſelves and remnant ſtates and people, his majeſty's faithful and obedient ſubjects, to the letter preſented to your grace, and the lords commiſſioners for the queen's majeſty of England, at York, on the behalf of the queen, mother to our ſaid ſovereign lord, preſented the twenty-ſixth of November, 1568. A. D. 1568.

"Whereas in our former, upon good reſpects mentioned in our proteſtation, we kept back the chiefeſt cauſes and grounds whereupon our actions and whole proceedings were founded, wherewithal ſeeing our adverſaries will not content themſelves, but by their obſtinate and earneſt preſſing we are compelled, for juſtifying of our cauſe, to manifeſt the naked truth: it is certain, and we boldly and conſtantly affirm, that as James, ſometime earl of Bothwell, was the chief executor of the horrible and unworthy murder, perpetrate in the perſon of umquile (deceaſed) king Henry of good memory, father to our ſovereign lord, and the queen's lawful huſband; ſo was ſhe of the foreknowledge, council, device, perſuader and commander of the ſaid murder to be done, maintainer and fortifier of the executors thereof, by impeding and

A. D. 1568. and ſtopping of the inquiſition and puniſhment due for the ſame according to the laws of the realm, and conſequently by marriage with the ſaid James, ſometime earl of Bothwell, delated and univerſally eſteemed chief author of the above-named murder: where through they begun to uſe and exerciſe an uncouth and cruel tyranny in the whole ſtate of the commonwealth, and with the firſt (as will appear by their proceedings) intended to cauſe the innocent prince, now our ſovereign lord, ſhortly to follow his father, and ſo to transfer the crown from the right line to a bloody murderer and godleſs tyrant. In which reſpect the eſtates of the realm of Scotland, finding her unworthy to regiment, diſcerned her demiſſion of the crown, with the coronation of our ſovereign lord, and eſtabliſhing of the regiment of that realm in the perſon of me the earl of Murray, during his highneſs's minority, to be lawfully, ſufficiently, and righteouſly done, as in the acts and laws made thereupon more largely is contained. James, regent, Patrick, L. Lindſay, Morton, Ad. Orchad. Dumferline."

Proceedings upon the ſame.

This is the firſt direct charge given in by Murray and his aſſociates againſt the queen, as being the perſuader and commander of her huſband's murder. It is remarkable, that in this paper the authors plainly ſay that they were puſhed on by their adverſaries to give it in. This allegation, if true, ſhews that Mary and

and her party, though they were well acquainted with the contents of the ſilver-box papers, were ſo far conſcious of her innocence, as to challenge their enemies to do their worſt. We likewiſe perceive that Murray entirely drops the pretext of Mary's having made a voluntary demiſſion of her authority, and roundly tells the Engliſh, that her demiſſion, the coronation of her ſon, and his own regency, were eſtabliſhed by the ſtates. Murray being aſked by the Engliſh commiſſioners, whether they might deliver to thoſe of Mary his eik, anſwered in the affirmative, and ſaid that he was ready immediately to enter upon the proof. A. D. 1568.

A new actor was next brought upon the ſtage; I mean, the earl of Lenox, who was reſerved for the completion of Mary's condemnation. He appeared in court, and addreſſed himſelf in a moſt lamentable ſtrain to the commiſſioners, to whom he delivered a paper, conſiſting of three ſheets, containing the letters which had paſſed between him and Mary, and directly accuſing her of her ſon's murder. In the afternoon, a copy of Murray's eik was delivered to Mary's commiſſioners, who expreſſed their amazement at its contents, alledging that they were ſuch as their preſent commiſſion did not authorize them to touch upon. The lord Herries ſpoke with great boldneſs in defence of his miſtreſs, and endeavoured to ſhew that this

Farther demands of Mary's commiſſioners.

A. D. 1568. this extenſion of their malice towards her proceeded from the fears of being called to account, and puniſhed for what they had done. When the cauſe (concluded he) ſhall be farther tried, it will be proved, that ſome of thoſe who now accuſe the queen, ſubſcribed bonds for the murder of lord Darnley. The biſhop of Roſs produced Mary's inſtructions, not to anſwer her adverſaries if they touched her honour; and demanded audience of Elizabeth, that they might inform her of their ſovereign's command, and to require that ſhe might be permitted to come in perſon, and vindicate her innocence before that queen, her council, and nobles. The biſhop, at the ſame time, preſented a memorial, in writing, to the ſame purpoſe; and leave was granted to him and his colleagues to appear before Elizabeth on the third of December, where they repeated their demand of Mary being admitted to be heard in perſon. Elizabeth ſtill continued to wear her maſk of diſſimulation. She ſeemed exceſſively tender of Mary's honour, and promiſed to reprimand and puniſh her adverſaries ſeverely, if they did not make good their charge againſt her; hinting, at the ſame time, that no medium was to be obſerved between Mary's entire acquittal, or condemnation; but ſhe again refuſed, upon the moſt unjuſt, and indeed affected, pretexts, to admit the unhappy princeſs to make her own defence in perſon.

This was an unparalleled ſcene of duplicity in Elizabeth, who acted it in the preſence of her lord-keeper, the duke of Norfolk, the marquis of Northampton, her lord-treaſurer, the earls of Pembroke, Eſſex, Bedford, and Leiceſter, the lord-admiral Clinton, the lord-chamberlain, Sir William Cecil, Sir Ralph Sadler, and Sir William Mildmay. Elizabeth had alledged, that ſhe could not admit Mary to her preſence, "becauſe ſhe was ſtill in hopes that they grounded their proceedings on unjuſt deviſes; which if ſo, her honour would be ſaved without compoſition, or the neceſſity of an anſwer, when her accuſers might be uſed according to their deſerts." But while ſhe was making this declaration, ſhe had prejudged Mary's cauſe, and was actually poſſeſſed of the proofs on which ſhe was reſolved to condemn her. Elizabeth declared ſhe thought it reaſonable that ſhe ſhould be heard in her own cauſe; "but to determine (ſaid ſhe) before whom, when, and where, before I underſtand how her adverſaries will verify their allegation, I am not as yet reſolved; but after conferring with them, I ſhall give you an anſwer as to every point in reaſonable form." Mary's commiſſioners very juſtly objected to this manner of proceeding, as incompatible with the rules of equity in any common cauſe. A charge, ſaid they, is lodged, the ſuppoſed delinquent deſires to be heard in her own defence; but ſhe

A. D. 1568.

Diſſimulation of Elizabeth.

A. D. 1568. is precluded from that privilege, until her accuſers have adduced their proofs, and conſequently till her cauſe is prejudged. All they ſaid was in vain, though they urged that Mary's rebellious ſubjects had been admitted to Elizabeth's preſence, while ſhe herſelf was denied that privilege. At laſt they proteſted, that whatſoever was done before Engliſh commiſſioners thereafter, ſhould be of no prejudice to their ſovereign. But Elizabeth carried her diſſimulation ſtill farther, till, at laſt, it became inconſiſtent with her former profeſſions; for ſhe ſaid that ſhe could not give Mary a perſonal audience "unleſs ſhe found that her accuſers had more likely proofs than any yet adduced." This was a very extraordinary declaration. Elizabeth, ever ſince the firſt day of Mary's arrival in England, had refuſed to ſee her, becauſe ſhe was ſuſpected of certain crimes; and yet in the anſwer before us, ſhe as good as promiſes that ſhe would admit Mary to her preſence, if thoſe crimes were proved againſt her.

Goodall, vol. ii. p. 225.

Mary's trial brought to a criſis.

All this while I do not find that the ſilver-box and its contents were judicially produced before the Engliſh commiſſioners. This was a farther reſerve for the diſplay of Elizabeth and her miniſters exquiſite politics. Elizabeth's reſentment againſt Murray and his aſſociates, for daring to impeach their miſtreſs, without bringing any proofs, was kept up to the height.

On

On the ſixth of December, the board of commiſſioners met at Weſtminſter, where they repeated their proteſtation, not to proceed unleſs their miſtreſs was heard. After this, the regent and his aſſociates were called for, and reprehended by the lord-keeper in the following terms: "My lords, the queen's majeſty, upon the conſideration had of that you call your eik, being an addition to your former anſwer, hath commanded us to ſay unto you, that her highneſs thinketh very much and very ſtrange, that you "being native ſubjects to the queen of Scots, ſhould accuſe her of ſo horrible a crime, odious both to God and man; a crime againſt law and nature, whereby, if you ſhould prove it true, ſhe ſhould be infamous to all princes in the world. And therefore hath willed us to ſay unto you, that although you, in this doing, have forgot your duties of allegiance towards your ſovereign, yet her majeſty meaneth not to forget the love of a good ſiſter, and of a good neighbour and friend. What you are to anſwer to this we are here ready to hear." A.D. 1568.

This ſpeech brought matters to a criſis. Murray had now no farther excuſe for not producing his proofs; and on the eighth of December he exhibited, before the Engliſh commiſſioners, the contents of the ſilver-box; but not without repeating that he had been driven by the violence of Mary's friends to that diſagreeable

A.D. 1568. agreeable extremity. Mention is made of ſeveral writings in French, in the like Roman hand with her letters, and avowed by Murray and his commiſſioners to be written by Mary, which writings were read, copied, and re-delivered to Murray. They next exhibited the examinations and confeſſions of thoſe who had been executed for Darnley's murder, and a proteſt that had been entered by the earls of Huntley and Argyle, and the lord Herries, in the parliament held at Edinburgh on the twenty-ninth of December, 1567. After this, the earl of Morton ſigned a narrative of the manner by which he came into poſſeſſion of the ſilver-box and its papers. We are told that theſe letters and papers were compared with letters undoubtedly written by Mary, and found to be the ſame hand.

Thus far appearances would bear hard upon the memory of Mary, had the ſmalleſt proof of the identity, or even the ſimilarity, of the hands, been brought to convict her. Elizabeth and her commiſſioners had all along treated her cauſe as the moſt important that had ever been heard in England. The eyes of all Europe were turned towards the deciſion; and the intereſt, as well as the honour, of Elizabeth was concerned in a full expoſiture of the evidences. I will venture to ſay, that if the genuineneſs of the papers in queſtion could have admitted of a proof, the greateſt bigot in

Mary's

Mary's cauſe, either at home or abroad, muſt have deteſted her, and given up her defence. The proceeding of the Engliſh commiſſioners was the more unaccountable, as Mary again and again had armed her commiſſioners with powers to declare that thoſe papers were forged, and that ſhe could prove them to be ſo; as alſo, that ſome of her own ſubjects, who were aſſiſtants to her adverſaries, knew how to counterfeit her hand. This was an indirect charge upon Maitland; but ſhe forbore to name him, becauſe he was her friend. A reverend author ſays, "that Mary's commiſſioners proteſted againſt all future proceedings, in caſe Elizabeth denied their miſtreſs a perſonal interview; and that the biſhop of Roſs and lord Herries, before they were introduced to Elizabeth, in order to make this proteſtation privately, acquainted Leiceſter and Cecil, that as their miſtreſs had, from the beginning, diſcovered an inclination towards bringing the differences between herſelf and her ſubjects to an amicable accommodation, ſo ſhe was ſtill deſirous, notwithſtanding the regent's audacious accuſation, that they ſhould be terminated in that manner." A.D. 1568. Dr. Robertſon.

It might be too bold, at this diſtance of time, to aſſign any particular reaſon which Mary might have for deſiring to be perſonally heard in her own vindication. She might, perhaps, have the ſecret vanity to think, that ſhe would Examination of Mary's proteſts,

be

A. D. 1568. be the beſt advocate for herſelf; and I am of the ſame opinion. She might have private reaſons for believing, that being better acquainted with her own hand-writing than any other perſon, ſhe could beſt diſcover the forgery of the ſilver-box papers. Whatever may be in thoſe conjectures, her demand was certainly a piece of juſtice due to the moſt atrocious criminal, and furniſhed Elizabeth with the ready means of pronouncing her, according to the defence ſhe made, either guilty or innocent. But, with due deference to the reverend author above quoted, neither Mary nor her commiſſioners were ſilent on the occaſion. They proteſted, indeed, againſt the future proceedings of the commiſſioners, if Mary was not heard in perſon; but that proteſt was only on account of the unformality of the proceeding; for after it was made, Mary again and again offered to enter into the merits of her cauſe, the ſingle object of which was to prove the forgery of the ſilver-box papers. This privilege was not only refuſed her, but ſhe was denied even copies of the papers exhibited againſt her. A letter is ſtill extant, dated the twenty-firſt of December, from Elizabeth to Mary, in which the former has the following words. "Both in friendſhip, nature, and juſtice, we are moved to cover theſe matters, and ſtay our judgment, and not to gather any ſenſe hereof to your prejudice, before

fore we may hear of your direct anſwer there- A. D. 1568.
unto, according as your commiſſioners under-ſtand our meaning to be, which, at their requeſt, is delivered to them in wryting. And as we truſt they will adviſe yow for your honor, to agree to make anſwer, as we have mentioned them, ſo ſurely we cannot but, as one prince and near couſin regarding another, moſt earneſtly as we may, in termes of friendſhip, require and charge you not to forbear from anſwering. And for our part, as we are hartely ſorry and diſmayed to find ſuch matter of your charge, ſo ſhall we be as hartely glad and well content to hear of ſufficient matter for your diſcharge."

As the reverend author abovementioned, and a late hiſtorian, the two enemies of Mary's memory, borne down by vulgar prepoſſeſſions, have preſumed her to be guilty, becauſe her commiſſioners proteſted, if a perſonal interterview was denied her, againſt all the future proceedings of the commiſſioners, it is of the utmoſt importance to this queſtion to examine how that fact really ſtands. Mr. Hume;

Had Mary proteſted againſt all proceedings upon the accuſation againſt her, the preſumption muſt have been in her diſfavour; but that was far from being the caſe; ſhe excepted againſt the commiſſioners, and, I think, with great juſtice and dignity of character; but ſhe made a clear diſtinction between the form and and charge againſt her.

A. D. 1568. the matter. She proteſted, it is true, againſt the proceedings of the commiſſioners; but ſhe was ſo far from being backward in anſwering to the matter, that we find, even before ſhe could receive Elizabeth's letter, viz. on the nineteenth of December, ſhe enters as vigorouſly as Elizabeth deſired, or as her beſt friends could wiſh, upon the ſubſtance of her defence. "And to the effect (ſays ſhe) our good ſiſter may underſtand we are not willing to let their falſe invented allegations paſs over with ſilence, adhering to your former proteſtations, you ſhall deſire the inſpection and duplicates of all they have produced againſt us; and that we may ſee the alledged principal writings, if they have any, produced; and with God's grace we ſhall make ſuch anſwer thereto, that our innocence ſhall be known to our good ſiſter, and to all other princes." This was far from declining a trial of her innocency; it was only transferring it to a bar more uninfluenced, and of greater authority.

See the Inquiry.

Mary's commiſſioners accordingly attended Elizabeth, and laid before her the very pertinent and ſtrong inſtructions they had received from their ſovereign, which was, in effect, not to let the matter drop, but to transfer it before a more competent tribunal, at which ſhe was ready to anſwer. Elizabeth's reply was, that ſhe thought Mary's requeſt to be very reaſonable, "and declared herſelf to be

very

very glad that her good ſiſter would make anſwer in that manner for defence of her honour; and to the effect her majeſty might be the better adviſed upon their deſires, and give anſwer thereto, deſired an extract of the ſaid writing to be given to her highneſs, which the ſaid commiſſioners did in the morning deliver." A. D. 1568.

We are now to attend the other inſinuation alledged againſt Mary by Dr. Robertſon, as if the private converſation between two of her commiſſioners on the one part, and Cecil and Leiceſter on the other, for an amicable compromiſe between her and her ſubjects, betrayed a conſciouſneſs of her guilt. Admitting that ſuch an application was made, I cannot ſee how it can affect Mary's honour or character. Her friends, ever ſince ſhe was a priſoner in England, had conſtantly adviſed her not to bring matters to an extremity, by forcing Murray to produce the ſilver-box letters, becauſe they knew, whether forged or genuine, they muſt make a ſtrong impreſſion to her prejudice. Mary took their advice, and did not deſire to bring her enemies under that dilemma. This, however, perhaps, may appear a bald apology for her offer of a compromiſe, did we not reflect that Maitland, who was the actual forger of the ſilver-box papers, was now Mary's firm, though ſecret, friend; that he was the great manager of the match between her and

A. D. 1568. the duke of Norfolk; and that it was in character for him to ſuggeſt to Mary the expedient of a compromiſe, which, in her ſituation, ſhe was obliged implicitly to follow. But had that not been the caſe, it was natural for her to wiſh that ſo atrocious a charge ſhould at leaſt be reſerved till ſhe could have a proper opportunity of diſproving it, which ſhe could not have, while ſhe was a priſoner, and under cloſe confinement. Let us now obſerve how very conſiſtent every ſubſequent proceeding was with this repreſentation of facts.

Maitland's ſcheme of reconciliation.

Maitland, in conſequence of his conciliatory ſcheme, gave in a plan to Cecil of an accommodation between Mary and her ſubjects, which entirely correſponds with that great ſtateſman's views. "It ſhould be denounced (ſays he) in the next parliament that is to ſit in Scotland, that whereas the queen, reflecting on the troubled ſtate of her kingdom, and being wearied with the exceſſive fatigues which the government of a people occaſions, and deſirous, from motherly affection, to ſee in her life-time her only dear ſon and heir ſettled in the throne, had, in July 1567, ſigned a ſort of demiſſion of the crown in his favour, that he might be inaugurated in the kingdom. In which good reſolution, although ſhe ſtill doth continue, and wiſheth, with all the ardour of maternal fondneſs, that he may long and proſperouſly enjoy the ſovereignty,

Anderſ. vol. 4. part 2. p. 140, 141, 142, 143, 144.

vereignty, yet leſt the good-will, which was A.D. 1568.
only meant to his perſon, ſhould be extended farther than ſhe either then did, or now doth allow, ſhe will conſtrue her own meaning, which was, that her ſon ſhould be honoured and obeyed by all her ſubjects as their natural king, and be in very deed their king; but as this voluntary reſignation of the reins of government was only made for him, ſo was it not intended to degrade her from the rank of princes; for being born to a kingdom, and crowned in her cradle, ſhe always reſolved to maintain in foreign courts the dignity of a queen, and be honoured as ſuch by the world. This, however, is in no ſort to derogate from the authority of her ſon, in whoſe name ſhe willeth that the adminiſtration of affairs ſhall be conducted, thoſe continuing to govern in the minority, whom ſhe and the parliament had appointed. Provided always, that this her demiſſion, and her ſon's being crowned, ſhall in no ſort prejudice her right to the ſucceſſion; but that, in caſe he ſhould die, (which God forbid) ſhe ſhall then return to the poſſeſſion of the kingdom, in as ample a manner as if ſhe had never reſigned it: for this reſignation, as it was not to redound to her diſhonour, ſo was it only to be regarded as flowing from the love of quiet, and of her ſon's advantage, and therefore was the kingdom to deſcend to her lawful poſterity.

" This

A. D. 1568. "This interpretation of her majeſty's meaning ſhould not only be read and ratified in parliament, but the whole eſtates ſhould acknowledge her ſingular affection to her ſon, which diſpoſed her to ſee him crowned in her life-time, and ſhould caution the world againſt thinking it a deprivation of eſtate for intents not dreamt of by parliament: ſhe, at the ſame time, aſſuring mankind, that ſhe had conceived no hatred to her ſubjects, but that ſhe loved them as her children; and they certifying that they never entertained the leaſt thought of caſting off the yoke of their dutiful behaviour towards her, nor intended to break the band by which prince and ſubjects are knit together. But as it hath pleaſed her majeſty, in her own time, to deſire the ſubjects to pay that duty to her ſon, which God's ordinance obliges them to after her death, ſo ſhall ſhe well perceive, by their behaviour, that they ſtill owe herſelf, love, honour, and reverence, which, being their duty, they will profeſs to the end of their lives."

Examination of evidences.

Such was the artful compromiſe propoſed by Maitland; but for obvious reaſons, on the part of Elizabeth, it was not regarded. One Nelſon, who was a domeſtic, lodging in Darnley's houſe on the night of the murder, was, at the requeſt of the earl of Murray and his collegues, examined as to that fact; but tho' he appears to have been extremely willing to have

have accuſed her, yet nothing tranſpired from his evidence, but that the queen's ſervants had the key of the chamber where ſhe herſelf uſed to lye, while ſhe was attending her huſband. The like may be ſaid of the examination of one Crawford, another domeſtic belonging to Darnley, which amounts to no more than what I have taken notice of in the courſe of this hiſtory, that there was, previous to Darnley's murder, a violent quarrel between him and the queen. On the fourteenth of December, the commiſſioners met again at Hampton Court, where they attended Elizabeth's, who enjoined them to ſecrecy, and recapitulated all that had been done in Mary's trial. This, I may venture to ſay, was a moſt infamous proceeding, becauſe ſecrecy was ſealing the condemnation of the unhappy queen. "Her majeſty would, (proceeds the record) indeed, be moſt deſirous that the queen of Scots, either by her delegates, or in perſon, ſhould vindicate her conduct before ſuch perſons as her majeſty would ſend; but conſidering, at her firſt arrival in England, ſhe did not think it conſiſtent with her honour to admit her into her preſence, till juſtified of thoſe horrible crimes with which common fame aſperſed her; ſo now thoſe crimes being, by many vehement allegations and preſumptions, made more apparent, ſhe cannot now, without manifeſt blemiſh of her own reputation, in- A. D. 1568.

dulge

A. D. 1568. dulge her requeſt, till ſhe has, by ſome juſt anſwer, evidenced her innocency."

Hypocriſy of Elizabeth.

To corroborate this declaration, the Engliſh nobility declared, that upon inſpecting the proofs, they thought the queen's anſwer very proper, and that her majeſty could not admit Mary to her preſence. Next day, Elizabeth, in a moſt hypocritical ſtrain, expreſſed to Mary's commiſſioners the ſorrow ſhe was under for the many preſumptions that had been produced againſt her. She therefore propoſed three methods, any of which their miſtreſs might chuſe for her acquittal. To ſend ſome one truſty perſon, or more, with her anſwer; or give it in herſelf to ſuch noblemen as ſhe would diſpatch to her; or, laſtly, to appoint themſelves, or any others, to vindicate her before the Engliſh commiſſioners: for ſhe would not aſſent to her coming into her preſence, after what had been diſcovered. The biſhop of Roſs demanded to have this anſwer in writing, but was refuſed it; and it was referred to his own memory, with a promiſe, that if he would put it in writing, the queen, or her ſecretary, would correct it. In the mean while, a conſultation being held, at which the duke of Chatleheraut, the foreign miniſters, and Mary's other friends aſſiſted, it was agreed, that ſhe ought to make no anſwer to Elizabeth's propoſals, unleſs her requeſt was granted, of being admitted to a fair hearing.

This

A. D. 1568. Examination of the charges brought againſt Mary,

This is the epocha on which the hiſtorians who are enemies to Mary's memory, have fixed to prove her conſcious guilt, as if ſhe had declined her own juſtification. In this they copy Cecil, who foiſted into the tranſactions of the commiſſioners the ſame allegation, by pretending that ſhe had put an end to all future conferences by certain Scottiſh proteſtations (for ſuch is the expreſſion). Becauſe I have hitherto ſeen, under the hands of two modern hiſtorians, no recantation of what they have advanced in prejudice to Mary, notwithſtanding all that has been brought to diſprove the charge againſt her by Goodall, and the ingenious author of the Inquiry, I can have no hopes that any thing ſupplemental to their labours, which falls from my pen, can produce that effect. As the defenders of Mary's memory, however, never have been refuted, and as ſelf-condemnation is, perhaps, too hard a taſk to be complied with by men of literary abilities, I ſhall juſt obſerve that they have miſtaken the meaning of Mary's declinature of judgment, by omitting one half of her caſe, and miſtating the other. Mary was now not only a defendant, but a plaintiff. She had diſcovered lights from Argyle and Huntley, who had ſent her up the declaration I have already mentioned, that enabled her to bring a direct charge againſt her enemies for committing the very murder of which they accuſed her. She

A. D. 1568. demanded to be perſonally heard in ſupport of that charge; but what does Elizabeth ſay? No, you muſt firſt diſprove the papers that have been brought againſt you. "That (replied Mary) I am ready to do as ſoon as they are produced, ſo that my friends and I can examine them." This indulgence, which could not have been refuſed to a common felon, was denied to a ſovereign princeſs, the unhappy Mary. She begged even for duplicates of thoſe papers, and they too were denied. I hope, in this ſhort ſtate, her caſe is ſo far from being exaggerated, that it falls ſhort of the hardſhips ſhe ſuffered; and the feelings of humanity are the beſt advocates for her memory.

Could Mary, with common juſtice to herſelf and her friends, after this, ſtifle in the corner of a packed board of Elizabeth's commiſſioners, what ſhe had to ſay in her own vindication, and in accuſation of her enemies, which, by the new turn her affair had taken, were intimately connected? Is any perſon ſo uninformed in the hiſtory of Elizabeth, as to be ignorant, that the greateſt ſubject ſhe had was only the moſt illuſtrious ſlave of her will; and that whatever ſhe dictated, or Cecil wrote, was a law to him? We can have no ſtronger proof of this, than the proceeding againſt Mary, in the face of common ſenſe, by Elizabeth's commiſſioners being enjoined, and obſerving, ſecreſy in a matter that required the moſt

moſt extenſive publication. Mary's enemies put into Elizabeth's hands a bundle of papers, which they ſaid were of her writing, and which Mary totally denied. Elizabeth, inſtead of trying the fact, remits thoſe papers to her counſellors; but enjoins them ſecreſy, and orders that none of Mary's commiſſioners or friends ſhould be preſent, while they were collated with her undoubted hand-writing. The moſt avowed of Mary's enemies may be called upon to deny this to be the naked fact, or to bring a ſingle argument founded on equity, juſtice, or the uſages of the law, to vindicate ſuch a procedure. "It is evident, (ſays Dr. Robertſon) from the delays, the evaſions, and ſubterfuges, to which both queens had recourſe by turns, that Mary avoided, and Elizabeth did not deſire to make any further progreſs in the inquiry." This is an imputation the more cruel upon Mary's memory, as it is introduced with an air of candour and impartiality. Perhaps it would diſtreſs the invention of the ableſt caſuiſt to diſcover what Mary could do more than ſhe did, to make a further progreſs in the inquiry. Did ſhe not declare, in the moſt expreſs terms, that the papers, on which the charge againſt her were founded, were forgeries? Did it not then lye upon her enemies to prove that they were not? Had they not been forgeries, was not ſuch a proof eaſy, conſidering the many A.D. 1568.

A. D. 1568. genuine letters which Elizabeth had from Mary? If it is replied that Elizabeth's commiſſioners were ſatisfied as to their authenticity; why did they not ſatisfy the public likewiſe? But who were thoſe commiſſioners? Can there be a doubt that the moſt bold and honeſt among them trembled at the frown of Elizabeth? When we look into the ſtate papers of her reign, eſpecially thoſe drawn up by Cecil, we find them to be ſo many dictates full of plauſibility, and when that fails, of perplexity; but diſpoſed in ſuch a manner, that there is no miſtaking her pleaſure. Had ſhe ordered the ſilver-box (and I am not ſure whether that was not the caſe) to be placed upon the table, and her commiſſioners not to look into it, but to believe, upon her royal word, that the papers it contained were all written by Mary, none of them would have heſitated in making the very ſame report they did; nor do I believe that a ſingle paper there was collated with her own hand-writing; but that, on the contrary, her commiſſioners formed their report from what ſhe and Cecil were pleaſed to tell them.

particularly by Dr. Robertſon.

I have in the preceding part of this hiſtory, I hope, anſwered or admitted of the principal facts brought againſt Mary by Dr. Robertſon, excepting thoſe which he borrows from the author of Melvil's Memoirs, a book which I have proved to be a ſpurious publication; nor

can

can it be admitted as authentic, without offering violence to every principle of hiſtorical credibility. With regard to Sir Nicholas Throgmorton's report, concerning her attachment to Bothwell, while ſhe was a priſoner in Lochleven, it is, if poſſible, of ſtill leſs authority. He had not ſeen her; he had no opportunity to know her ſentiments; he took all he ſaid from thoſe who debarred him from approaching her perſon, and whoſe intereſt it conſequently was to abuſe him by defaming her. The doctor ſurely knew that circumſtance; and if he did, was it fair to make the following inference? "From this long enumeration of circumſtances, we may, without violence, draw the following concluſion. Had Mary really been acceſſary to the murder of her huſband; had Bothwell perpetrated the crime with her conſent, or at her command; and had ſhe intended to ſtifle the evidence againſt him, and to prevent the diſcovery of his guilt, ſhe could ſcarce have taken any other ſteps than thoſe ſhe took, nor could her conduct have been more repugnant to all the maxims of prudence and decency." I ſhall make no farther remark upon this quotation, which I have produced as a pregnant ſpecimen of the manner in which Mary's cauſe has been handled, than to obſerve, that candour ought to have ſuppreſſed it, unleſs it had been founded on facts, which confeſſedly it was not, A. D. 1568.

A. D. 1568. not. The ſame may be ſaid of the confeſſion of Nicholas Hubert, who, in the writings of that age, is called French Paris, only that I think the mention of that paper is brought in with a ſtill worſe grace than that of Melvil's Memoirs, or Throgmorton's letter, becauſe it wounds deeper, and the impreſſion conſequently is not ſo eaſy to be eraſed. It therefore becomes me to avail myſelf of the lights furniſhed me by my friend, the author of the Inquiry, which I have ſo often mentioned, and to hold up this boaſted evidence to the public view.

I have already mentioned, that four of Bothwell's ſervants, Dalgleiſh, Hay, Hepburn, and Powrie, were tried and executed as acceſſaries to Darnley's murder. I am ſorry to obſerve, that the late hiſtorians of that period have ſpoken with ſo little preciſion, to call it no worſe, of the confeſſions left by thoſe criminals. "Their confeſſions (ſays Dr. Robertſon) brought to light many circumſtances relative to the manner of committing that barbarous crime; but they were perſons of a low rank, and ſeem not to have been admitted into the ſecrets of the conſpiracy." Is this a fair ſtate of the caſe? Is it writing with a warmth that diſtreſt innocence ought to inſpire? Ought not the doctor to have informed his readers, that nineteen of the firſt peers of the kingdom, all of them the profeſt enemies of

Mary,

Mary, upon the firſt preſumption of her guilt, A. D. 1568.
eight biſhops, and eight abbots, on the twelfth of September, 1568, in their inſtructions and articles to Mary's commiſſioners, mentioning the above convicts, and the crime for which they ſuffered, add, "that they declared at all times the queen, their ſovereign, to be innocent thereof." In like manner, Leſley biſhop of Roſs, in defence of his miſtreſs's honour, in a paragraph addreſſed to Murray and his friends, ſays, "We can tell you, that John Hay of Galloway, that Powrie, that Dalgleiſh, and laſt of all, that Paris, all being put to death for this crime, took God to record, at the time of their death, that this murder was by your counſel, invention, and drift, committed; who alſo declared, that they never knew the queen to be participant or aware thereof." See the Inquiry, p. 124.

Admitting, as I readily do, that Leſley was violent and over-zealous in the ſervice of his miſtreſs, yet the perſons to whom he addreſſes himſelf in the above paragraph, were of very oppoſite characters; and as the charge was made in their life-time, they undoubtedly would have refuted it, had it been falſe. The doctor ſays, "that Hubert's depoſitions are remarkable for a ſimplicity and naïveté, which it is almoſt impoſſible to imitate." With what contempt would he have treated ſuch an argument, had it been urged in favour of Mary? "But (continues he) at the ſame time, it muſt be

A. D. 1568. be acknowledged, that his depoſitions contain ſome improbable circumſtances. He ſeems to have been a fooliſh talkative fellow; the fear of death; the violence of torture; and the deſire of pleaſing thoſe, in whoſe power he was, tempted him, perhaps, to feign ſome circumſtances, and to exaggerate others. To ſay that ſome circumſtances in an affidavit are improbable or falſe, is very different from ſaying that the whole is forged." This is a doctrine which I believe never before appeared in the laws of evidence. If a depoſition or confeſſion reſts ſolely upon the credibility of its author, in what land can that court of juſtice exiſt, who will not reject the whole, if they find any part of it to be falſe? Does not a ſingle prevarication every day quaſh the moſt plauſible evidences? How ought it to operate in this caſe, when the party, as the doctor himſelf admits, was influenced by the fear of death, and the violence of torture? And I can almoſt venture to ſay, that no evidence obtained under the fear of torture ought to be admiſſible.

Caſes of Dalgleiſh and Hubert.

Had Mary's enemies been conſcious that thoſe papers were genuine, they were poſſeſſed of the means of coming at the moſt corroborating proofs of her guilt, without depending ſingly on their own affirmation, that they were of her writing. Dalgleiſh, on whom the box was found, was ſeized on the twentieth of June,

June, 1567, ſix days after he was examined; and a copy of his examination, atteſted by Sir John Ballenden, is ſtill extant. Was it not natural for Morton, who had then the box and its contents in his cuſtody, to have obtained all the lights he could concerning it, eſpecially as the parties were preſent, and on the ſpot, to have corroborated, or confronted the criminal? Not a word, however, relating to the box, or the papers, is to be ſeen in Dalgleiſh's examination; nor was Dalgleiſh executed for ſix months after. Is not the omiſſion of ſo material an evidence, a ſtrong proof that the papers were not then in being, but manufactured afterwards? When Murray mentioned them in the council and the parliament, in the manner we have already ſeen, why was not Dalgleiſh then produced to confirm Morton's ſtory, and to leave the fact without a doubt? What is ſtill more extraordinary, Paris was alive at the time when the commiſſion was ſitting in England; but he was kept in a priſon belonging to the regent, at St. Andrew's, under the daily, dreadful, apprehenſion of torture and death. What credit is to be given to the teſtimony of a hair-brained, low-bred, Frenchman under ſuch circumſtances, eſpecially as his confeſſion (for it is pretended he made two) that moſt affects Mary, is full of inconſiſtencies and improbabilities?

A.D. 1568.

See Goodall, vol. i. and the Inquiry.

A. D. 1568. Defence of Murray againſt the charge made by the earls of Argyle and Huntley.

During the proceſs at the board of commiſſioners, Wood laid before thoſe of England a declaration, ſigned by the regent, the earl of Morton, the biſhop of Orkney, lord Lindſay, and the abbot of Dumfermling, affirming, upon their honours and conſciences, that the ſilver-box papers, all but one written by the earl of Huntley, and ſigned by Mary, were of her writing. The receiving ſuch a declaration from perſons, who, in one ſenſe, were proſecutors, and, in another, parties accuſed of the very crime with which they charged Mary, was certainly a very extraordinary proceeding; but notwithſtanding the ſtrong remonſtrances preſented againſt this, and all the other acts of Elizabeth and her commiſſioners, no regard was had to Mary's complaints; and her guilt was taken as confeſſed, upon the affirmation of her profeſſed enemies. Upon the arrival of Huntley and Argyle's declaration at London, which I have ſo often mentioned, the earl of Murray gave in the following anſwer: "Becauſe the cuſtom of my adverſaries is, and has been, rather to calumniate and backbite me in my abſence than before my face; and that it may happen them, when I am departed forth of this realm (England), ſcandalouſly and untruly to report untruths of me, and namely towards ſome ſpeeches holden in my hearing at Craigmiller, in the month of November, 1566; I have already declared to

the

the queen's (Elizabeth) majeſty, the effect of the whole purpoſes, ſpoken in my audience at the ſame time, ſincerely and truly, as I will anſwer to Almighty God, unconcealing any part to my remembrance, as her highneſs I truſt will report. And farther, in caſe any man will ſay and affirm, that ever I was preſent, when any purpoſes were holden at Craigmiller in my audience, tending to any unlawful or diſhonourable end, or that ever I ſubſcribed any bond there, or that any purpoſe was holden concerning the ſubſcribing of any bond by me, to my knowledge, I avow they ſpeak wickedly and untruly, which I will maintain againſt them, as becomes an honeſt man, to the end of my life. I own, indeed, that at Edinburgh, in October 1566, I ſigned a bond with the earls of Huntley, Argyle, and Bothwell; but that was in token of our reconciliation. To this too I was conſtrained; for, without it, I could not have been admitted to the queen's preſence, nor have had any ſhew of her favour. And no other bond was ever offered to me in any wiſe, before the murder of the late king, father of my preſent ſovereign. Indeed, after that cataſtrophe, I was often earneſtly urged by the queen to ſubſcribe ſome others; but neither her perſuaſions nor commands could ever induce me." A. D. 1568.

Had not Cecil atteſted this paper to be Murray's anſwer to Huntley and Argyle's declaration, The proceedings of the commiſſioners ſtopt.

A. D. 1568. ration, and battered it upon the back of its copy, we might have juſtly ſuſpected that it related to ſome other affair, as the two noblemen had not charged him with entering into any bonds at Craigmiller. But, in fact, Argyle and Huntley's charge was full, direct, and circumſtantial, againſt Murray and his aſſociates, while his anſwer is general, weak, and evaſive. By this time, however, the regent grew apprehenſive of the conſequences of what had paſſed; and Elizabeth was ſenſible of the notorious injuſtice that had been done to Mary, whoſe confidence in the juſtice of her cauſe, grew daily more ſtrong. It was, therefore, time to put an end to the commiſſion, upon pretence that Mary's commiſſioners had declined proceeding. "Therefore, (ſays Cecil, in a minute, which is ſtill extant, under his hand) if the ſaid biſhop and his colleagues had not (as it is ſuppoſed) diſſolved their commiſſion by Scottiſh proteſtations, whereby they have not, as it is thought, now any authority to make anſwer thereto, they ſhould be made privy to the ſaid evidences and proofs, whereby her majeſty might have of them ſome good anſwer, to the acquittal of the queen of Scots, her good ſiſter, which her majeſty would be glad might be accompliſhed." The manner in which this paſſage is worded, is ſo remarkably cautious and indeciſive, that it fully indicates the difficulties of the

the author upon the ſubject. If Elizabeth and her commiſſioners were ſatisfied that the ſilver-box papers were of Mary's hand-writing, in what manner could the latter make any good anſwer, ſo as to be acquitted, and thereby ſatisfy Elizabeth? or can the moſt virulent of Mary's enemies ſhew a reaſon, even if her commiſſioners had refuſed to proceed, (which was not the caſe) why they might not have been indulged with a ſight, and copy, of the papers charged againſt her? This objection was ſo ſtrong, that Elizabeth reſolved to put it even out of her own power to anſwer it; for a few days after the letters were produced, ſhe conſented that Murray and his aſſociates ſhould return to Scotland with the ſilver-box, and all its contents. This happened at a time when Mary was preparing to make a vigorous defence of her conduct, had ſhe been admitted to a fair hearing. The declaration of the earls of Huntley and Argyle contain no more than the ſubſtance of their own information to the biſhop of Roſs; and which having been reduced by him to the form of a declaration, and tranſmitted to them by Mary, was by them returned. Mary intended to have produced this declaration in her defence, and was aſtoniſhed when ſhe heard that her accuſers had obtained leave to return to Scotland. She wrote to Elizabeth on the twelfth of January, complaining, that her accuſers were allowed to depart

A. D. 1568.

1569.

A.D. 1579. depart the realm, "not abiding to hear the defence of her innocence, nor the trial and proof of their detection, which was offered to prove them guilty of the ſame crime." Was this the language of guilt, declining to be tried? All the anſwer ſhe got was, that the regent had promiſed to return when called for.

Quarrel between the lords Herries and Lindſay,

The behaviour of Mary's commiſſioners on this occaſion was warm; but ſuch as indicated them to be internally ſatisfied of her innocence. I muſt, however, acknowledge, that had Mary been admitted to a fair trial, I cannot ſee upon what evidence Murray could have been convicted of Darnley's murder. But I cannot help thinking, that ſome unfavourable circumſtances would have appeared againſt him; tho' I do not imagine that Mary and her commiſſioners thought they could bring againſt him any direct proof of the fact. The lord Herries was very ſtrong on this head; and ſpoke in ſuch open terms againſt the regent and his aſſociates, that he received the following challenge from the lord Lindſay, the original of which remains in the library of the Scotch college at Paris.

"Lord Herries, I am informed that you have ſpoken and affirmed, that my lord regent's grace, and his company here preſent, were guilty of the abominable murder of the king, our ſovereign lord's father; if you have ſo ſpoken, you have ſaid untruly, and therein lied

lied in your throat, which I will maintain, A.D. 1569.
God willing, againſt you, as becomes me of honour and duty. Hereupon I deſire your anſwer. Subſcribed with my hand at Kingſton, the twenty-ſecond of December, 1568."

The anſwer returned by lord Herries was as follows:

"Lord Lindſay, I have ſeen a writing of yours the twenty-ſecond of December, and thereby underſtand you are informed that I have ſaid and affirmed that the earl of Murray, whom you call your regent, and his company are guilty of the queen's huſband's ſlaughter, father to our prince; and if I ſaid it that I lied in my throat, which you will maintain againſt me, as became you of your honour and duty. In reſpect they have accuſed the queen's majeſty, mine and your native ſovereign, of that foul crime; for, by the duty that good ſubjects ought, or ever has been ſeen to have done to their native ſovereign, I have ſaid there is in that company, preſent with the earl of Murray, guilty of that abominable treaſon, in the foreknowledge thereto. That you was privy to it, lord Lindſay, I know not; and if you will ſay that I have ſpecially ſpoken of you, you lied in your throat, and that I will defend as my honour and duty becomes me. But I would any of the principals that was there ſubſcribe the like writing you have ſent to me, and I ſhall point him forth, and fight with any

of

A. D. 1569. of the traitors therein; for meeteſt it is that traitors ſhould pay for their own treaſon. London, twenty-third of December, 1568.

Herries."

Turns out to Mary's advantage.

This was a very plain defiance, and the biſhop of Roſs, the lord Herries, and the commendator of Kilwinning, appeared before Mary's commiſſioners, to confront the regent, the earl of Morton, and lord Lindſay. The former acquainted the board, that upon their own proper knowledge they could charge none of the three lords as being guilty of Darnley's murder; but they urged at the ſame time, that other evidences, whom they were ready to produce on the part of their miſtreſs, might affect them. As the charge of lord Herries was ſo far particular, that he reſtricted it to ſuch of Murray's friends as were then with him in England, it was undoubtedly incumbent upon Maitland, Macgill, and others of that ſtamp, to have exculpated themſelves in the manner the three lords had done. Their not doing it gave the public of England very favourable impreſſions of Mary's cauſe, eſpecially as Maitland now every where publiſhed, that it was no unuſual thing about her court to counterfeit her hand.

At this time, no mention was made of the ſilver-box letters; and ſo little ſtreſs was laid upon them, that Cecil, in a memorial which he drew up concerning the ſtate of England, with

with the greateſt art and aſſiduity ſays, that A. D. 1568.
"The fame of her (Mary's) murdering of her huſband will by time vaniſh away, or will be ſo by defence handled as it ſhall be no great block in her way to atchieve her purpoſes." What defence Mary would have made, had ſhe been admitted to a hearing, may be gathered from Leſly's printed vindication of her conduct, and from the two later writers who have undertaken her defence. I have already obſerved, that it appears from no evidence, but the reports of her declared enemies, that the identity of her hand was ever proved; for if it had, there could be no doubt as to her criminality. With regard to the forgery, Dr. Robertſon is of opinion, "That when a paper is forged with a particular intention, the eagerneſs of the forger always prompts him to avoid all doubts and uncertainties, and to be as explicit as poſſible." This (he ſays) was not the caſe with regard to the ſilver-box letters; and he confirms his obſervation from "the paſſages foiſted into ancient authors by heretics in different ages; the legendary miracles of the Romiſh ſaints; the ſuppoſititious deeds in their own favour produced by monaſteries; and the falſe charters of homage." "No maxim (continues he) ſeems to be more certain than this, that a forger is often apt to prove too much, but ſeldom falls into the error of proving too little." Goodall. The Inquiry

A. D. 1569. Obſervations upon Dr. Robertſon's arguments.

I am ſo far from agreeing with my friend the author of the Inquiry, in the compliments he pays the doctor on this obſervation, that I think, when applied to the preſent caſe, it ſpecifically deſtroys his arguments, becauſe it ſays no more than that Murray's party, which conſiſted of ſome of the moſt ſubtle heads in Europe at that time, avoided the rock on which the forgeries of ancient, but barbarous, times had ſplit. Are ſuch men as Morton, Maitland, Macgill, Wood, and Buchanan, to be put upon a level with thoſe forgers of former days, (Harding in particular) who in every other reſpect were weak men, and generally impelled to what they did by motives of zeal, ignorance, and enthuſiaſm? Might not the ſame ſagacity which ſuggeſted the obſervation to the doctor, have ſuggeſted it to Morton and Maitland, who was (if ever man was) a dupe to his own refinements? It is certain that Elizabeth was far from conſidering theſe ſpecious defects, mentioned by the doctor, in the light he does; and from what we have quoted above, Cecil certainly thought they would operate to Mary's acquittal. The doctor proceeds to ſay, that "there are (of Mary's guilt) only imperfect hints, obſcure intimations and dark expreſſions in the letters, which, however convincing evidences they might furniſh if found in real letters, bear no reſemblance to that glare and ſuperfluity of evidence

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which forgeries commonly contain. All the advocates for Mary's innocence, in her own age, contend, that there is nothing in the letters which can ſerve as a proof of her guilt. Leſley, Blackwood, Turner, and others, abound with paſſages to this purpoſe; nor are the ſentiments of thoſe in the preſent age different." A. D. 1569.

Here I muſt differ from the doctor in two points, and one of them a matter of fact. Had Mary been tried before a legal jury, legal proofs might have been expected; but the truth is, Elizabeth and her commiſſioners never pretended to try her, but to receive the evidences againſt her; and Elizabeth, early in the proceedings of the commiſſion, declared, that if ſhe received ſuch proofs as ſatisfied her of Mary's guilt, ſhe never would ſuffer her to be reſtored to her throne. Murray and his friends therefore were under no neceſſity of carrying their forgeries farther, than to bring before Elizabeth ſuch evidences as, though not legal, were convincing; and no man of candour (if he can ſuppoſe thoſe letters to be genuine) can doubt of her guilt, though the evidence is not carried on to an abſolute charge of her being an actual perpetrator of the murder. I muſt therefore be of opinion, that if Mary's friends reſted her vindication not upon the forgery, but upon a defect of legal evidence againſt her ariſing from that forgery, they betrayed her cauſe. The next matter in

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A. D. 1569. which I differ from the doctor is, that whatever inconſiderate arguments Mr. Goodall might advance, it does not at all appear that Leſley quitted his ſtrong fort of the forgery of the papers, to entrench himſelf behind the weak defence of their not amounting, though genuine, to a legal proof. But this will appear beſt by the ſequel.

Mary's miſerable condition at Bolton.

Mary was all this while in the toils of her enemies. She ſtill reſided at Bolton-caſtle, where Elizabeth had planted about her perſon her vice-chamberlain, Sir Francis Knolles, as a ſpy; and he, with the lord Scroop, punctually informed Elizabeth of whatever came to their knowledge concerning Mary's affairs. The lord Boyd was then by Elizabeth's permiſſion at Bolton-caſtle, and had given Mary ſuch informations concerning the deſpondency of all her enemies, in not daring to produce the ſilver-box papers, as had but too much elevated the unhappy princeſs, and thrown her off her guard. She made no ſecret of her reſentment at Elizabeth's conduct, and was clear that her defence would be ſuch as muſt acquit her in the eyes of the world. Perhaps ſhe even was incautious enough to ſuffer ſome particulars of it to tranſpire. Elizabeth, from the informations which ſhe received from Scroop and Knolles, was ſenſible that in any event Mary would be able to overwhelm her accuſers with confuſion, and formed a plan to have the whole

whole proceedings relating to the letters entirely quaſhed, but in ſuch a manner as ſhould diſable Mary from reſenting what had paſſed. She had, ever ſince the arrival of the biſhop of Roſs at her court, applied herſelf to his weak ſide, which ſeems to have been vanity. She commended him, not only for his honeſty and attachment to his miſtreſs, but for his abilities and dexterity in buſineſs; and ſhe loſt no opportunity of recommending him to Mary on thoſe accounts. By thoſe arts ſhe wormed out of Leſley the defence which Mary was to have made; and the reader *, in the notes in A. D. 1569.

* Extracted out of a writing given to the queen's majeſty by the biſhop of Roſs, December 18, 1568.

1. Upon truſt through ſundry promiſes, and receiving a ring from Bethune, after her coming out of Lochlevin ſhe came into the realm.

2. At the beginning of the conference at York, the queen's commiſſioners did make offers to have reconciliation made.

3. Seeing not the queen's majeſty, nor her miniſters, have taken any pains to make a reconciliation.

4. The queen's enemies put the queen's majeſty in fear of the queen of Scots alliance with France by her uncles.

5. The queen's ſubjects fear avenge, &c.

6. The queen of Scots will ſtay only upon the queen's majeſty, and make ſecurity thereof.

7. She will content herſelf with ſuch reconciliation as the queen's majeſty ſhall appoint.

For defence of the charge.

1. Nothing is alledged but preſumptions, "quæ non ſunt adeo vehementes."

2. It cannot be proved that the letters be written with her own hand: for ſhe was of too much honour to commit ſuch a fact, and of too much wit to have conceived ſuch matter in writing.

3. Her hand, nor ſeal, nor date is to the letters, nor no direction to any.

4. Her hand may be counterfeited; whereof ſome aſſiſtant to the adverſaries, as well of other nations as of Scots, can do it.

By

A. D. 1569. Cecil's hand, will find ſome ſlight hints, from the paper he gave to Elizabeth, by which we may perceive, that had Mary been admitted to make her defence, it would have been vigorous, and perhaps unanſwerable. By thoſe hints, however, it ſeems as if Leſley had had ſome information as to the ſilver-box papers.

Inſidious inſtructions of Elizabeth to her ſervants. Letter from Elizabeth to Knolles, Dec. 22.

Elizabeth began to have very ſerious apprehenſions concerning Mary's caſe, and the injuſtice of refuſing her to be heard. She therefore wrote a letter to Sir Francis Knolles, who, with the lord Scroop, had informed her that Mary appeared to be undaunted and aſſured of victory. This letter is one of the ſtrongeſt ſpecimens of the arts of duplicity employed by Elizabeth in Mary's caſe. She there inſtructs Knolles, as it were entirely of himſelf, and in friendſhip to Mary, to deal with her, "That ſhe might be induced (I uſe the words of Elizabeth's letter) for avoiding of the great extremities whereunto her cauſe may bring her to

By comparing of writings no truth can be had. "Cum de jure fallaciſſimum genus probandi ſit per comparationem literarum proniores debemus eſſe ad abſolvendum quam ad condemnandum."

5. As for the marriage with Bothwell, the nobility ſolicited and adviſed it, and ſubſcribed thereto; and ſpecially ſome of the adverſaries, as by a writing under their hands will be teſtified.

Concluſion, &c. A requeſt to make a reconciliation to the queen of Scots honour. And for any particular cauſes concerning the queen, there may be honourable devices with all ſurety.

And if reconciliation may not follow; then a requeſt to reſtore the queen of Scots to her country, and ſupporting of her; and if that be thought chargeable, then not to ſupport her adverſaries, neither be offended that aid be ſought of other princes.

yield,

yield, ſo as it might alſo appear of her own will, that by way of permiſſion, that her ſon may continue in the ſtate wherein he is; and the regiment alſo in the earl of Murray, as already it is ordered by their parliament, and herſelf, to continue here in our realm, during ſuch time as we ſhall find convenient; and her ſon, nevertheleſs, for his ſafety, to be brought into this our realm, to be preſerved and educated under the cuſtody of perſons of the birth of Scotland for a certain ſpace; and the whole cauſe of hers, whereof ſhe hath been charged, to be committed to perpetual ſilence; and the cauſe of this her yielding and aſſent, to be grounded and notified to proceed of her own good will, by reaſon of her wearineſs of governance, and deſire to ſee her ſon eſtabliſhed, in ſuch terms, to ſave her honour, as is more at length contained in the inſtrument deviſed for the demiſſion of her crown, whilſt ſhe was in Lochlevin." Elizabeth then proceeds to give Knolles ſome other orders to the ſame effect, and inſtructs him to communicate the ſame in great ſecrecy to the lord Scroop, that they might not differ in their tale: "And this we would have done, concludes ſhe, before the biſhop of Roſs ſhall come thither, whom we have cauſed to be ſtayed a day or two upon another pretence; meaning to cauſe this matter to be ſo indirectly broken with him, as he ſhall have cauſe to deal with the queen A. D. 1569.

A.D. 1569. queen herein at his coming thither; and therefore we would have her mind not only underſtood herein beforehand by you, but alſo prepared by this purpoſe, and in any wiſe not to be known, that you are directed from us in this cauſe."

After producing this remarkable letter, the reader can ſcarcely doubt of Elizabeth's inſidious views, which were to obtain the government of Scotland, by the young king being committed to her cuſtody, and keeping the regent devoted to her ſervice; and all this, as if it was to be the free act of Mary. As to the ſilver-box papers, they were to be committed to perpetual ſilence; nor are they ſo much as mentioned, nor even hinted at, by Elizabeth, who, by this time, knew them to be infamous forgeries. Is it to be imagined, that a woman of her ſagacity and penetration, had ſhe thought them to be genuine, would not have detained them in her own hands, as undoubted evidences of Mary's guilt, and the moſt effectual means, by threatening to expoſe them with the real originals to her own and foreign miniſters, to bring Mary to give up all thoughts of reſuming her throne?

Letter from Knolles to Elizabeth, Jan. 1. 1569.

The lord Scroop and Sir Francis Knolles had but very indifferent ſucceſs in executing the ſecret commiſſion they were charged with by their miſtreſs. Mary, when they received Elizabeth's letter, was in private conference at Bolton

Bolton with the lord Boyd, and Roulet, her former ſecretary, predeceſſor to Rizio, who had brought her over diſpatches from the cardinal of Lorrain. Elizabeth, according to the vice-chamberlain's anſwer, had gone ſo far in cajoling Leſley, that ſhe had propoſed continuing Murray in the regency, by a joint deputation from Mary and her ſon. The biſhop did not fail to advertiſe Mary of this propoſal; and that Elizabeth reſolving ſhe ſhould be ſtill a queen, intended to diſcountenance Murray and his aſſociates. Mary was enraged when ſhe found that the language uſed towards her by Elizabeth and her miniſters, was ſo very different from Leſley's reports; and ſhe treated her two keepers with great freedom on that account, and as being her chief enemies. Many other circumſtances concurred in giving her great ſpirits. Elizabeth had affected to behave to Murray, whoſe chief reſidence was at Kingſton upon Thames, with great neglect. Mary's friends were then ſo powerful in Scotland, that he and his friends could get no money from that country; and their credit was almoſt exhauſted in England, when they conſented to produce the ſilver-box to the Engliſh commiſſioners. Elizabeth then agreed to lend Murray two thouſand pounds; but ſmall as the ſum was, ſhe inſiſted upon the duke of Norfolk's perſonal ſecurity for repaying it, which he afterwards actually did. The growing

A.D. 1569.

They prove ineffectual.

A. D. 1569. ſtrength of Mary's party in England gave Elizabeth apprehenſions that ſhe might overact her neglect of Murray; and Mary's conduct determined her to ſhew him as much friendſhip as ſhe had hitherto contempt. She ordered Tamworth, the ſame who had been ſent to Scotland, to advance him in her name five thouſand pounds, upon Murray's giving a note for the repayment of it in nine months, which he did.

Goodall, vol. ii. p. 325.

Mary was now more than ever exaſperated at Elizabeth's conduct. Senſible as ſhe was how powerful her friends were in Scotland, ſhe wrote them a letter, "taxing Elizabeth with breach of promiſe, and with the blackeſt treachery towards her cauſe. She affirmed that Elizabeth had made a ſecret convention with her rebels to the following effect: That her (Mary's) ſon ſhould be ſent to England, and there educated; and that the caſtles of Edinburgh and Stirling ſhould be put into Elizabeth's hands for her ſecurity, upon her declaring him the next in her ſucceſſion, if ſhe had no iſſue. That the earl of Murray ſhould take the caſtle of Dunbar, and put it into the hands of Elizabeth, who was to procure his legitimation, ſo as to enable him to ſucceed to the crown of Scotland; in which event, he was to hold it as a fee from that of England. She then pretended that a compromiſe had been made between Murray and the earl of Hertford, whoſe wife was dead, and Cecil, who

Incautious conduct of Mary.

who was to give that earl one of his daughters in marriage; and that Murray had agreed to guaranty to the earl's children, by the lady Catharine Grey, the ſucceſſion to the crown of England; he, on the other hand, keeping Murray in quiet poſſeſſion of Scotland. She then concluded with ſome bitter reflections upon Elizabeth, and ordered her friends not only to do all they could to deſtroy her rebels, but, if poſſible, to hold a parliament." A.D. 1569.

This ill-judged letter, fatally for Mary, was intercepted by Elizabeth's miniſters; and convinced that princeſs, who delivered it to Murray, that Mary was fully apprized of all her arts; and that the beſt courſe ſhe could purſue was to ſupport Murray in his regency. Beſides the five thouſand pounds ſhe lent him, ſhe ordered a proclamation to be made upon the borders, contradicting the facts contained in Mary's letter. A copy of this proclamation, which is dated January the ſecond, and ſaid "to be againſt ſlanderous writings publiſhed in Scotland," is publiſhed in the Cecil papers. The manner in which it touches the removal of the young king of Scotland into England is pretty remarkable. "Although it is true that ſome ſpeeches have been uſed by ſuch of the friends of the prince, as are known to be moſt naturally affected, wiſhing the child under the guard of them who now have the charge of him, to be out of the dangers of

Elizabeth and Murray reconciled.

Hayne's State Papers, p. 500.

A. D. 1569. his enemies that have already murdered his father: but hereof was there never any manner of convention or accord; neither yet was there heard by her majeſty any word of the earl of Murray, or of any of his company, to allow of any removing of the ſame prince out of Scotland, or out of the charge of them that now have the cuſtody of him." This was, at beſt, a palliating apology, becauſe almoſt every ſtate-diſpatch of that time proves that it was Elizabeth's earneſt deſire to have that young prince in her hands. Along with this proclamation, a letter was ſent to Elizabeth's wardens of the marches, directing them to convey the earl of Murray and his friends from Newcaſtle to the Scotch borders, and farther, if requiſite for their ſafety. They are likewiſe required not to inſiſt, for ſome time, upon his attending the affairs of the borders; and that no Scotchman ſhould paſs into England without his licence. "And becauſe (continues ſhe) we have hitherto found no matter to move us to diſavow the authority wherein we have found him, knowing him to be well-diſpoſed to maintain juſtice and peace betwixt both theſe realms, we would have you neither do, nor ſuffer to be done any manner of thing within your rules, prejudicial to his government, before you ſhall have direction from us; but generally to further him in all reaſonable cauſes during the time we ſhall allow

allow thereof." It is now neceſſary that I ſhould return to the ſtate of the match between Mary and the duke of Norfolk, which proved to be the ſecret ſpring of other events. A. D. 1569.

Progreſs of the match between Mary and Norfolk.

I have more than once obſerved, that the profound diſſimulation of Elizabeth and Cecil renders it extremely difficult, for the beſt informed hiſtorian, to ſtate the facts of her reign with any degree of certainty. They had often in their pay and ſervice ſpies of oppoſite parties, and occaſionally employed the informations of the one againſt the other. According to the teſtimony of hiſtorians neareſt the time, and, indeed, many of the ſtate-papers, Murray was diſpoſed to the match between Mary and Norfolk; and Maitland, even after he produced the ſilver-box, interceded ſo effectually in his favour with the duke of Norfolk, that he brought about a reconciliation between them. I ſhall, from the beſt records that are now extant, without having regard to hiſtorians who were not aſſiſted by them, endeavour to give as clear a view as poſſible of this matrimonial labyrinth.

Upon the return of Norfolk from viſiting the frontiers towards Scotland, after the commiſſion at York was diſſolved, his deſign had certainly tranſpired ſo far, that it was the public talk of the court, he was to marry the queen of Scotland. This came to Elizabeth's ear; and Norfolk knowing how jealous ſhe

A. D. 1569. ſhe was in ſuch caſes, was at great pains to clear himſelf from any ſuch imputation; and acted with ſo much ſeeming ſincerity, that Elizabeth believed, or ſeemed to believe, that there was nothing in the report. She declared, at the ſame time, to her courtiers, "that tho' Norfolk did now miſlike the match, yet he might, perhaps, be brought to like it for the benefit of the realm, and for her majeſty's own ſafety." This ſpeech, which, by the bye, was very enſnaring, produced a declaration from Norfolk, "That no reaſon could move him to like of her, that had been a competitor to the crown; and if her majeſty would move him thereto, he will rather be committed to the Tower; for he meant never to marry with ſuch a perſon, where he could not be ſure of his pillow." After the conferences were removed to Hampton-court, Norfolk had ſeveral converſations with Murray, who appeared to be ſo apprehenſive of his failing in his attack upon Mary, that he renewed his ſollicitations with the duke for compleating the marriage. Norfolk, who had no reaſon to have a good opinion of him after his behaviour at Weſtminſter, anſwered coldly, that if the earl could ſet his queen free in her realm, and thereby make her fit for a good huſband, then he would give him an anſwer. Notwithſtanding this diſſimulation, Norfolk had the weakneſs to liſten to Maitland's ſollicitations in fa-

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vour of Murray, and formed a ſtrong party in England for the match. Its heads were the earls of Arundel and Pembroke, the lord Lumley, Sir Nicholas Throgmorton; and, at laſt, the earl of Leiceſter himſelf ſeemed to favour the propoſal, though he certainly betrayed the whole intrigue to Elizabeth. Norfolk's pretext for engaging thoſe great men was, that both before and after his marriage he intended to employ the whole of his intereſt for ſecuring Elizabeth againſt all the practices of Mary and her friends, and to indemnify Murray and his party for all that had paſſed. The regent, however, had a farther end to ſerve by the apparent cordiality of his reconciliation with the duke of Norfolk. He knew the great ſway which that nobleman's authority had all over the north of England, and that it was in his power to have intercepted him on the road. Some hiſtorians ſay, that Murray had actually got intimation of ſuch a deſign being on foot; and this is the more probable, from the letters and inſtructions which, as we have already ſeen, Elizabeth ſent to her wardens in the marches, and her putting the duke of Chatleheraut, the lord Herries, and the biſhop of Roſs, under a ſort of an arreſt, till Murray and his friends had time to reach Scotland. A. D. 1569.

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A.D. 1569. ter, enforcing the propoſal of the marriage between her and the duke of Norfolk. She received the meſſage as if ſhe had known nothing of the matter; but ſaid, that whatever match for her was approved of by her parliament, ſhould not be diſpleaſing to her. Murray farther urged, that ſhe ſhould order a ceſſation of arms between him and her party in Scotland: in that likewiſe ſhe ſaid ſhe would be directed by her parliament; but ſhe refuſed to give any definitive anſwer till ſhe was reſtored and ſet at liberty. Melvil, (of whom ſhe had a good opinion) at laſt, perſuaded her to ſend letters to the duke of Chatleheraut, and her other friends in Scotland, to ſuſpend all hoſtilities, till farther orders, againſt the regent and his party; and it is thought that it was owing to this artful management that they returned in ſafety to Scotland on the ſecond of February. On the twentieth of the ſame month, the duke of Chatleheraut, the commendator of Kilwinning, and the lord Herries, arrived in Scotland likewiſe, and both parties prepared for hoſtilities. But I am now to attend Mary.

Mary ſent priſoner to Tutbury.

The diſappearance of her enemies juſt at the time when her miniſters offered to vindicate her innocence, and to prove their guilt, and their carrying off the ſilver-box with its contents, was conſidered not only by Mary, but by the impartial public, as a complete triumph over

over all their efforts. The papers were no more mentioned, than if they had never exiſted; and had not the party afterwards thought proper to print them, ſuch had been the caution of Elizabeth, that poſterity could have had only a very faint idea of their contents, until the Cecil and other ſtate-papers were publiſhed. Mary, as uſual, was ſo ſanguine, that ſhe threw out her defiances, even againſt Elizabeth herſelf; at which, joined with the intercepted letters, that jealous princeſs was ſo much exaſperated, that ſhe ordered Sir Francis Knolles to remove Mary to Tutbury, a royal caſtle in the keeping of the earl of Shrewſbury, without delay, and without permitting any perſon to be about her, who ſhould diſſuade her. Mary was ſenſibly mortified at this cruel order; and now ſaw herſelf a priſoner in the ſtricteſt ſenſe of the word. She was obliged to ſubmit; and letters were diſpatched to the ſheriffs, and Elizabeth's other officers in the north, to provide a proper guard of gentlemen to attend the vice-chamberlain, and the lord Scroop, in conducting Mary to Tutbury. I perceive, that Elizabeth, at the ſame time, wrote Mary a letter, acquainting her with her removal. This reſolution of Elizabeth had been formed ever ſince October preceding; and in a few days after it was executed, Cecil received a letter from the regent, ſhewing the neceſſity of making Mary A. D. 1569.

A. D. 1569. a cloſe priſoner. By other letters from lord Hunſdon, he was informed, that the Hamiltons, and the earl of Huntley, were in arms in Scotland, and had taken poſſeſſion of Glaſgow with a body of ſeven thouſand men, intending to march forward, and to fight the regent.

Dated Feb. 17, and 21.

As the reader may be naturally deſirous to view Mary in her then ſequeſtered ſtate of life, I am enabled to gratify his curioſity by an unexceptionable witneſs, one of Cecil's friends, who paid her a viſit ſoon after her removal to Tutbury, and ſent Cecil a very minute account of her perſon and manner of living. Whatever Mary's private ſentiments might have been, ſhe heard the Engliſh ſervice; and White found her with a book of Engliſh pſalms in her hand. She informed him, that ſhe was very anxious to learn the Engliſh language; that ſhe made uſe of tranſlations for that purpoſe; and that Mr. Vice-chamberlain was her ſchoolmaſter. She ſeemed uneaſy at her change of priſon, eſpecially at ſuch a ſevere ſeaſon of the year; but ſubmitted to it, becauſe it was her good ſiſter's pleaſure. She ſaid, that when confined to her houſe, ſhe diverted herſelf with her needle, as ſhe found ſome amuſement in the variety of colours ſhe employed in her work. She entered into a compariſon between ſculpture, painting, and working with the needle; but gave the preference to painting. As to her

Letter from Mr. White to Cecil, Feb. 26.

Her private life there.

her perſon, White ſays that ſhe was a goodly perſonage, (not comparable, however, to Elizabeth) an alluring grace, a pretty Scottiſh ſpeech, and a ſearching wit, clouded with mildneſs. He therefore thinks, that few Engliſh ſubjects ought to have acceſs to her perſon, there being ſo much danger to Elizabeth in her charms. He ſays her hair was naturally black; but that Mr. Knolles told him ſhe wore hair of ſundry colours. Upon her cloth of ſtate was embroidered a French device, ſignifying, that "* In her end was her beginning." Her two chief domeſtics were the lord Levingſton and his wife, both of them proteſtants; and ſhe had about her nine women more, fifty perſons in houſhold, and ten horſes. She complained of a pain in her left ſide, which ſhe called an old grief, and ſhe never went to bed till one in the morning; but White early next day ſaw two halberd men without the caſtle wall ſearching under her bed-chamber window. A. D. 1569.

The failing of Mary (and, indeed, we may ſay the ſame of her friends) was, that the ſmalleſt glimpſe of hope ſoon recovered her from the greateſt dejection. Though, upon her removal to Tutbury caſtle, ſhe thought it had been a machination of Cecil, that ſhe might be privately put to death, yet ſhe reco- A conſpiracy againſt Cecil.

* En ma fin eſt mon commencement.

A. D. 1569. vered herſelf from her conſternation, when ſhe heard that a powerful conſpiracy had been formed at the Engliſh court againſt that ſtateſman. His enemies, the moſt violent of whom was Sir Nicholas Throgmorton, thought that the unbounded ſupplies with which Elizabeth furniſhed the Hugonots, exceeded all the bounds of economy; that the provocation ſhe gave to his catholic majeſty, by detaining the money of his ſubjects, was impolitic; and above all, that her treatment of Mary was barbarous and unjuſtifiable. Not only the duke of Norfolk, but the marquis of Wincheſter, the earls of Arundel, Northumberland, Weſtmoreland, Pembroke, and Leiceſter, concurred with Throgmorton in thoſe ſentiments, and had formed a plan for ſending Cecil to the Tower. It was diſcovered by Leiceſter, the moſt perfidious man alive; and the whole deſign was critically defeated by Elizabeth's interpoſing, and declaring that ſhe never would abandon her faithful ſervant.

Terms propoſed to Mary,

The diſappointment of this confederacy did not at all affect the grand ſcheme of Norfolk's marriage with Mary, in which he and his friends were ſo ſanguine, that they even talked of a marriage between the young king of Scotland and the duke of Norfolk's daughter, they being nearly of the ſame age. The duke having no doubt that Murray was for the match, it was reſolved that the biſhop

of

of Roſs ſhould ſound Leiceſter upon the ſubject. In doing this, he made that nobleman a compliment, "That if his miſtreſs marrying with an Engliſh nobleman was neceſſary for the good of the two kingdoms, he, (Leiceſter) if he pleaſed, might be the man." Leiceſter's anſwer was, "That he would have nothing to do with ſuch a marriage; but that he would be for it, if no other way could be found to be rid of ſo dangerous a woman, and provided Elizabeth was pleaſed with the match." After ſome conſultation, the other Engliſh noblemen concerned, declared themſelves to be of the ſame opinion; and the marriage between Mary and Norfolk was judged to be as good as concluded. It is but doing juſtice to the memory of thoſe lords, when it is obſerved, that no factious conſiderations or religious prepoſſeſſions influenced them on this occaſion, as muſt appear by the articles which they drew up for Mary to ſign, to ſerve as a foundation for an application to Elizabeth in favour of the match. "That the queen of Scots makes ſufficient ſurety to the queen of England, and to the heirs of her body, for the title of the crown of England. That a perpetual league offenſive and defenſive be made betwixt them, their realms and ſubjects. That proteſtantiſm be eſtabliſhed in Scotland. That her ſubjects of Scotland be reconciled to her, and accepted in as great favour as ever they were. Item, that A. D. 1569.

A. D. 1569. that a renunciation be procured by the queen of Scots of a title which the duke of Anjou pretended to the crown of England, by virtue of aſſignation made to him by the queen of Scots, in hope of a marriage to be contracted betwixt them. Item, becauſe it was feared that the queen of Scotland would marry with ſome foreign prince, whereby the religion might be altered, and the ſtate of both the realms might be endangered, that therefore the queen of Scotland ſhould accept ſome nobleman of England in marriage, ſpecially the duke of Norfolk, who is firſt of the nobility of the beſt calling of that realm, and moſt fit of all others; and they doubted not the queen of England would like well of the match with him before all others."

previous to her marriage with Norfolk.

None but a princeſs ſo tyrannically jealous as Elizabeth was in all matters of government, could have found fault with a ſet of articles ſo evidently calculated to what ſhe had always declared to be her own chief views, the happineſs of both kingdoms, and the eſtabliſhment of proteſtantiſm. The earls of Pembroke and Leiceſter tranſmitted them to Mary, with a letter, in which they promiſed that, upon her complying with them, they would do their utmoſt to forward the marriage, and to her being declared preſumptive heir to the Engliſh crown. Mary's anſwer was, that ſhe could not agree to the propoſal of a league offenſive

offenſive and defenſive between England and Scotland, without the French king's conſent and participation, and without making him, at leaſt, an offer of his being included in the ſame. That though, upon her honour, ſhe never had made any ſuch renunciation to the duke of Anjou's pretenſions, yet ſhe was willing, for their ſatisfaction, to procure the deſired renunciation; and that ſhe had no objections to the marriage with the duke of Norfolk, provided it might be effected with Elizabeth's conſent. Thus ſtood Mary's concerns in England in the ſpring of the year 1569; and ſo far were the ſilver-box forgeries from hurting her in the eſtimation even of thoſe who had peruſed them, that it was thought all Elizabeth's power, great as it was, could not ſet aſide a marriage which was ſo entirely agreeable to her great nobility. But I am now to attend the affairs of Scotland. A. D. 1569.

No ſooner was the regent returned to that country, than he aſſembled the lords of his party, and his friends at Stirling. The meeting was very full; and conſiſted of the earls of Athol, Mar, Glencairn, Monteith, Buchan, John maſter of Graham, William maſter of Marſhal, Andrew maſter of Errol, the commendators of Balmerinoch, Dryburgh, Cambuſkenneth, Coldingham, Whitethorn, John lord Glamis, Alexander lord Saltoun, John lord Innermeath, Allan lord Cathcart, Andrew lord

The regent aſſembles his friends.

A. D. 1569. lord Ochiltree, the ſecretary, the treaſurer, the comptroller, clerk of juſticiary, clerk of regiſter, the advocate, the commiſſioners from Edinburgh, Stirling, Dundee, Peebles, Glaſgow, Cowpar, St. Andrew's, Perth, and Haddington, beſides the commiſſioners who had returned from England. The chief buſineſs of this convention was to approve of the proceedings of the commiſſioners, and of Murray's raiſing ſome forces for the ſupport of his authority *; but matters ſoon took a different turn. The duke of Chatleheraut arrived in Scotland on the twentieth of February; and Mary, as if ſtill poſſeſſed of her authority, had ſent down commiſſions of lieutenancy to him, the earls of Argyle, Huntley, and others; but Spotſwood ſays, that he was made Mary's deputy, perhaps he may only mean one of her lieutenants. It is certain that upon his arrival he publiſhed letters, prohibiting her ſubjects from acknowledging any other ſovereign than the queen; and he ſent a long letter to the aſſembly of the church then convened at Edin-

* I ſhall not tire my readers with a repetition of the reaſons why I think that the Memoirs under the name of Melvil could not have been written by that gentleman. I ſhall therefore refore refer him to the Cecil papers, where he will ſee, to a demonſtration, that the whole of his narrative of Murray's ſecret tranſactions with Mary and Cecil at this time are fictitious. I have, it is true, page 154 of this volume, admitted the poſſibility of Murray's informing Cecil of the intended match between Mary and Norfolk; but it is evident, from the beforementioned papers, he did not tell them that he had entered into the deepeſt engagements with Norfolk to bring it about.

burgh,

burgh, intimating, "That he had left France, in order to uſe his beſt endeavours for compoſing the unhappy differences of his native country; and though by theſe he had greatly ſuffered, yet did the dangers to which the kingdom was then expoſed, affect him moſt. He could therefore wiſh, that a convention of the eſtates would unanimouſly agree to ſome reaſonable courſe for avenging the king's murder, whence he ſuppoſed all theſe evils had proceeded, which would be moſt grateful to himſelf, and the remanent nobility who eſpouſed the queen's cauſe. This overture did not ariſe from the earl of Murray's proclamation; for as he was abroad when theſe troubles began, ſo he truſted that his own deſerts, and thoſe of his anceſtors, would ſufficiently ſcreen him from their effects. He therefore deſired the brethren, in God's behalf, either to communicate his ſentiments to the public, or to come and reaſon with himſelf, whom he aſſured they ſhould find moſt willing to be ruled in all things, according to God's word and equity." A. D. 1569.

He treats with the duke of Chatleherault.

This unmanly appeal to an eccleſiaſtical tribunal (if a meeting of ſelf-ordained preachers, far from being reſpectable either by their birth or learning, can be called ſuch) was highly flattering to their vanity; but was perfectly agreeable to the duke's inconſiſtent character. Their anſwer was, "that they would communicate the letter to the regent, and know his

A. D. 1569. pleaſure, whether they ſhould depute any of their number to treat with his grace." The regent approved of this propoſal; and the ſuperintendants of Lothian and Fife, with a preacher, one Row, were ſent to bring about a reconciliation between the duke and the regent. Thus far I have proceeded on the authority of archbiſhop Spotſwood; nor does it materially claſh with the accounts afterwards given us by Leſley and Camden: but all we can infer from it is, that each party was willing to have the aſſembly on its ſide; for I am inclined to believe, with the author of the manuſcript made uſe of by Crawford, that other mediators were likewiſe employed; and that the duke was in a condition, at the time of his arrival, to treat with arms in his hands *. According to that writer, the regent, after his return, had recovered the caſtles of Draffen and Royſton, while the duke deſpairing of being ſupported from England, and knowing that a civil war was on the point of breaking out in France, ſent the archbiſhop of St. Andrew's to treat of an accommodation with the regent, who agreed to meet the duke's friends at Glaſgow on the thirteenth of March †.

* The manuſcript made uſe of by Crawford, and which is ſaid to be contemporary with the tranſactions it relates, receives great ſanction from its agreement with the Cecil papers, which were not publiſhed till the year 1740.

† Archbiſhop Spotſwood is certainly miſtaken in ſaying, that by the labour of the ſuperintendants, (of whom, if I miſtake not, his own father was one,) it was agreed, that the duke ſhould

At this meeting, the regent demanded that the duke and his adherents ſhould acknowledge the king's authority, and behave towards him as faithful ſubjects. It was demanded, on the other hand, by the duke and his party, "that upon their acknowledging the king as aforeſaid, every nobleman ſhould be admitted to his own place in council, as the born counſellors of the realm, and as their predeceſſors had been in the times of former princes; and that the regent ſhould be ſworn to behave himſelf uprightly and indifferently to them, without being influenced by the remembrance of any paſt differences; that a general reſtitution ſhould be made to ſuch as had ſerved the queen; and that all their eſtates, except thoſe that had been forfeited for the late king's murder, ſhould be reſtored to them; that the queen's honour and advancement ſhould be provided for in ſuch a manner as not to be prejudicial to the king." The above articles being conſented to by the regent, it was next agreed, that a general meeting of both parties ſhould be held on the tenth of Auguſt following; to which were to be invited the regent, the duke of Chatleheraut *,

A. D. 1569. Subſtance of a conference.

ſhould come to Glaſgow, and ſubmit himſelf to the king's authority.

* It does not clearly appear to me that the duke was preſent at this conference. The paper which contains it mentions only the earl of Caſſils, the lord Herries, and the abbot of Kilwinning, who appeared in the duke's name.

A. D. 1569. the earls of Huntley, Argyle, Morton, Mar, Athol, Glencairn, and lord Herries, in order to deliberate about the execution of the laſt mentioned article; the regent promiſing, upon his word of honour, that they may come ſafely, without danger to them in their coming, remaining, or returning. In the mean while it was agreed, that the duke of Chatleheraut, and the other noblemen, ſhould make no uſe of their commiſſions of lieutenancy that had been ſent to them by the queen. The laſt article of this conference, according to the copy of it publiſhed in the Cecil papers, which is ſomewhat different from that printed in Crawford's Memoirs, runs as follows: "Becauſe the forces may be preſently diſſolved, whereby no injury be done by any ſubjects of the realm by way of deed; and reaſonable it is that ſecurity be made to my lord-regent for performing of their part of the articles aforeſaid, he performing to them ſo far thereof as concerns his part: therefore the duke's grace, the earl of Caſſils, the lord Herries, ſhall preſently enter ſufficient pledges, to remain with my lord-regent, while their part of the ſaid articles be performed, that is to ſay, one of the duke's ſons, the ſaid earl of Caſſils, or his brother, and the ſaid lord Herries, or his eldeſt ſon †.

† The copy printed by Crawford ſays, that the regent promiſed to perform, UPON HIS HONOUR, ſo far as concerned his part.

I can-

I cannot take upon me to determine whether thoſe articles were engroſſed and ſubſcribed by both parties; I am apt to think they were not, but that they were looked upon by the regent and his friends, to be binding upon the duke and his friends. After the conference broke up, both parties agreed to pay their reſpects to the young king at Stirling, where they were magnificently entertained by the regent and his friends. Before they left Stirling, the duke was called upon by the regent for his ſurety; but it was found upon enquiry, that the terms propoſed in the conference were univerſally diſapproved of by Mary's friends, nor would either of the duke's ſons truſt himſelf as a pledge in the regent's hands. The archbiſhop of St. Andrews, who I believe was the great manager for the duke's party, and who had a greater regard for the Hamilton family than his ſovereign, voluntarily offered himſelf, and was accepted of as a ſurety; but Caſſils and Herries were detained till they were relieved by the former's brother, and the latter's eldeſt ſon*, who ſurrendered themſelves as pledges. A. D. 1569.

It muſt be acknowledged, that Murray at Conduct of Murray.

* Beſides the improbability, from the title of the paper, that the duke was preſent at the conference, I can ſcarcely ſee with what propriety a concluſive agreement could be ſigned in the abſence, and without the conſent, of thoſe who were to be ſureties for the performance. I ſhall not, however, diſpute, that the complexion of the meeting was ſo amicable, that Murray might have reaſon, bona fide, to think, that the articles were binding.

firſt

A. D. 1569. firſt proceeded as if he thought the preliminary agreement had been concluded. Returning to Edinburgh he diſmiſſed the priſoners he had taken at Langſide, thoſe who were condemned as well as thoſe who had not been tried, upon their giving bail for their good behaviour, only one of them (Hamilton of Bothwel-haugh) having made his eſcape. He ſoon altered his conduct, when he underſtood that the earls of Argyle and Huntley diſapproved of the articles, and refuſed to be included in the agreement; but he proceeded with his uſual intrepidity. He knew that thoſe two noblemen had very different ſentiments as to public affairs, and that they would find it impracticable to join their forces. The battles of Corrichie and Langſide had given him a thorough contempt for his enemies, both in the weſt and the north; and he reſolved to proceed with the utmoſt ſeverity againſt Mary's friends.

Who commits the duke of Chatleheraut and the lord Herries to priſon.

All parties meeting according to agreement on the tenth of April, the regent produced a paper containing, as he ſaid, an acknowledgment of the king's authority, and aſked the duke of Chatleheraut, with a peremptory air, whether he and his friends were ready to ſign it? The duke, on his part, remonſtrated, that he had done every thing according to the late agreement, and that it lay upon the regent to perform his part with regard to the articles that were to redound to the queen's honour and

and advancement. He put the regent in mind, at the ſame time, that he and his friends had come to the meeting unarmed and unſuſpecting, and that he had not only their perſons, but thoſe of their hoſtages, in their hands. The regent paid no regard to his repreſentations, but on the ſixteenth of April ſent the lord Herries, who had demurred likewiſe as to the performance of the articles, that very night a priſoner to the caſtle of Edinburgh, and committed the duke to the ſame priſon next day. When every circumſtance is conſidered, I cannot join with the violent friends of Mary in their invectives againſt the regent on this occaſion, though perhaps it was not ſtrictly juſtifiable by the laws of honour. According to their own accounts, the firſt article of the agreement was, that the duke and Mary's party ſhould acknowledge the young king's authority. The regent required a teſt of their ſincerity in performing this preliminary, by ſubſcribing the paper he produced; and if they refuſed it, they certainly gave him ſome colour for acting as he did; though perhaps a man of greater delicacy, and leſs auſterity, would have acted in a leſs exceptionable manner. A. D. 1569.

Whatever compliments have been paid to the regent as an upright ſtateſman and a brave ſoldier, he was not without his failings in religious matters. After committing the two lords, he refuſed to protract the meeting, as they

His cruelty to ſuppoſed necromancers,

A. D. 1569. they had deſired, to the tenth of May, and went to Stirling. He there ordered four prieſts to be hanged, but changed their puniſhment into their being chained to the market-croſs, with their veſtments, books, and chalices, where they were ſeverely pelted by the populace, and all their implements burnt by the hands of the common hangman. He then proceeded to St. Andrews, where he committed two deteſtable murders (if we are to believe the manuſcript made uſe of by Crawford). The one was upon one Nickneven, whom he ordered to be burnt for a witch or ſorcereſs; and the other againſt William Stuart, then lord Lyon king at arms, who was hanged upon a charge of ſome doubtful points of necromancy and witchcraft. This gentleman is ſaid to have been a determined friend to Mary, and to have narrowly eſcaped death upon his trial for a former conſpiracy againſt Murray. While the regent remained at St. Andrews, he likewiſe ordered Hubert, or French Paris, whom we have ſo often mentioned, to be hanged. Leſley, and all the contemporary writers of Mary's party ſay, that he died without impeaching Mary as being acceſſary to her huſband's murder. Murray, it is true, ſent up to London the confeſſion which he is ſaid to have made at his death; but the authority of it has, I think, been ſufficiently diſproved; nor do I find that Murray, though he had an opportunity to do it,

and execution of Paris.

See Goodall and the Inquiry.

it, ever contradicted the fact, which was alledged and publiſhed by Leſley. But upon the whole, as I have already hinted, when the circumſtances under which the poor wretch then was are conſidered, his confeſſion ought to have no weight. A. D. 1569.

The regent now thought it high time to reduce the earls of Argyle and Huntley, and he ſoon found the good effect of the vigorous meaſures he had taken. The former perceiving the blow which Mary's cauſe had received by the impriſonment of her friends, repaired to St. Andrew's, where he found no great difficulty in being reconciled to the regent, upon his ſwearing allegiance to the king. Huntley was far more obnoxious than Argyle, and his caſe more unfavourable. He had reduced the counties of Angus, Merns, Strathern, and the greateſt part of the north, to Mary's obedience, and had treated as rebels all who ventured to diſpute her authority; conſequently, they ſuffered deeply in their effects and eſtates. Though Murray was reſolute and undaunted, yet he conſulted his friends how to proceed. Some of them were for burying all Huntley's paſt offences in oblivion, for the ſake of public tranquillity; but a middle way was reſolved upon, which was to grant him a pardon, but to oblige his followers to make reaſonable compenſation for the damages they had done. Thoſe terms being intimated to Huntley, who now ſtood

Argyle and Huntley ſubmit to the regent.

A. D. 1569. by himſelf, he thought proper to ſubmit to the regent, who took hoſtages for his good behaviour, and that of the clans; and marching northwards, he held juſtice courts at Aberdeen, Elgin, and Inverneſs; and then he returned ſouthwards, having reduced the northern parts to a ſtate of perfect tranquillity.

Terms propoſed by Mary.

The accounts of the regent's amazing reſolution and activity ſtruck Mary with conſternation; and the rather, as ſhe thought herſelf upon the eve of regaining her liberty. She ſent the biſhop of Roſs, as her ambaſſador, to complain at the Engliſh court of the regent's rigorous proceedings againſt her friends and ſubjects, and of the aſſiſtance afforded him by Elizabeth. The latter continued to profeſs a high regard for the biſhop, and treated him with ſo much reſpect, that ſhe and her miniſters deſired him to put in writing the terms offered by Mary.

Theſe were, That Mary never was to trouble the queen of England on the ſubject of the title to her two crowns; that ſhe was willing to ratify the treaty of Edinburgh, made in July 1560; provided always, that failing Elizabeth, and the heirs lawfully begotten of her body, Mary ſhould have her right and title to the crowns of England and Ireland, fully and wholly reſerved.

Second, That there be a new treaty of friendſhip between the two queens and their realms, by advice of the eſtates.

Third, That both theſe articles ſhall be confirmed by the oaths and ſeals of both princes, and by acts of parliament; and if further aſſurance is required, the queen of Scots ſhall obtain the obligations of the kings of France and Spain, for her punctual obſervance of her part of the agreement. A. D. 1569.

Fourth, To gratify the queen of England, queen Mary ſhall pardon all her ſubjects who have offended her, provided they return to their obedience, own her as her ſovereign, deliver to her the prince her ſon, ſurrender the fortreſſes, reſtore the jewels, and make reſtitution to her faithful ſubjects whom they have injured.

Fifth, The murder of lord Darnley ſhall be forthwith puniſhed upon the executors of it, according to the laws of the realm.

Sixth, And becauſe the nobility dread the return of the earl of Bothwell, a proceſs of divorce, ſays the original, ſhall forthwith be deduced againſt him, to remove all colour that might be pretended in time to come.

Seventh, Theſe being agreed to, the queen of Scots ſhall be ſent into Scotland with a ſafe and honourable convoy from queen Elizabeth, and there be reſtored to her crown and government by a parliament, all former ſtatutes to the contrary being aboliſhed.

Such were the terms that Leſley, by his ſovereign's order, propoſed as the baſis of a negotiation Deliberation of the Engliſh council.

A. D. 1569. gotiation for her freedom. By a paper publiſhed in the Cecil collection, ſaid to have been given in by Wood, it appears, that the debates in the council of England turned upon the following points: Firſt, That Mary might be reſtored to liberty, upon her confirming the reſignation ſhe had made in Lochlevin. Second, That ſhe might be joined in title with her ſon, but the executive power to remain with the regent. Third, That ſhe ſhould be reſtored to the exerciſe and enjoyment of her royal dignity, under the following reſtrictions: that Mary ſhould profeſs the religion of the church of England: that a council ſhould be eſtabliſhed in Scotland, with the earl of Murray at its head, by whom Mary was to be directed in all matters, until the prince ſhould be eighteen years of age: that a full reſtitution and paciſication ſhould be made in Scotland, and reſtitution to all but thoſe concerned in Darnley's murder; that no ſtrangers, excepting known merchants, and neceſſary ſervants, be ſuffered to remain in Scotland; and that the league between France and Scotland, as prejudicial to England, be cancelled, and a new one made between England and Scotland. To compaſs this end, it was propoſed, that the parties of the treaty ſhould be the queen of England, the queen of Scotland, and the prince and ſtates of Scotland; that the breach of it ſhall be, by the Scotch parliament, declared to be high

high treaſon; that if queen Mary ſhall break it, in the judgment of Elizabeth and the council of Scotland, ſhe ſhall forfeit all her rights and titles to her ſon, who ſhall be immediately acknowledged king. Laſtly, the Scots were to give hoſtages for the performance of the treaty to Elizabeth, until their prince was eighteen years of age. A. D. 1569.

Though I have often hinted at the inſcrutable characters of Elizabeth and her miniſter, yet I am inclined to believe, that the public out-cry againſt the injuſtice done to Mary was ſuch, that they were, at this time, really ſerious in their deliberations concerning her; nor can I think that the above propoſals were ſo unreaſonable, or ſo derogatory to her honour, as might have been expected from the regent. In ſhort, the negotiation went ſo far, that a reconciliation appeared on the point of taking place, when it ſplit upon the ſecret article of Norfolk's marriage with Mary. That nobleman now thought, that Elizabeth's conſent to Mary's liberty was little more than a matter of form; and he employed Cantrell, one of his domeſtics, to ſound his friends in the north on the ſubject. Theſe were the earls of Suſſex, Northumberland, Weſtmoreland, Cumberland, and Derby. The earl of Suſſex declared himſelf againſt the match; the earl of Northumberland had ſome family-reaſons to be cold in the affair; nor did it meet with great encouragement

Elizabeth irreconcileable to Norfolk's match with Mary.

A.D. 1569. ragement from the other noblemen. It is certain that Elizabeth was fully apprized of the whole affair; and both her behaviour and converſation proved, that ſhe never could be reconciled to the match, though ſhe was not ignorant of the duke and Mary's connections with her great ſubjects. In public, ſhe uſed between jeſt and earneſt, alluding to the duke's former expreſſions, to bid him beware upon what "pillow he laid his head;" and the manner in which ſhe talked of the marriage, ſtruck terror into the greateſt and boldeſt of her nobility.

Murray's duplicity diſcovered.

In the mean time, a correſpondence was ſtill kept up between the duke of Norfolk and the regent, who, while he was proceeding with the utmoſt rigour againſt Mary's friends in the north, ſent the duke the ſtrongeſt aſſurances of his friendſhip, and of his cordial diſpoſition towards his match with Mary. This produced from the duke the letter which the reader will find in the notes *, and never

* The copy of a letter from the duke of Norfolk to the earl of Murray, by the lord Boyd.

"My good lord,

"I have received your courteous letter, whereby I do not only perceive you well affected for the advancement of your common weal, and the uniting of this land; but alſo your lordſhip's good mind towards me; which two points I cannot but note, to your ſpecial commendation, and my comfort: And as you ſhall prove me induſtrious to aſſiſt you with all my power in the one, ſo ſhall you not find me ungrateful in the other, but ready to requite you to my uttermoſt for your friendſhip ſo frankly offered. The rather I ſhall have occaſion to employ myſelf for the juſt reward

has been ſeen by any Scotch hiſtorian; but unanſwerably proves the ſpurioufneſs of Mel- A.D. 1569.

ward of your deſerts, the ſooner I ſhall think myſelf in nature, friendſhip, and conſcience, diſcharged of my obligation. In the mean time, good my lord, aſſure yourſelf that you have not only purchaſed a faithful friend, but alſo natural brother, who is not, nor will be, leſs careful of your weal and ſurety, than of his own honour and credit; whereof I am fully perſuaded you doubt not, and therefore, in that point, I need not to be over tedious. But briefly to return to that you deſire to be ſatisfied, which is for my marriage with the queen your ſiſter. Wherein I muſt deal plainly with your lordſhip, as my only friend, that I have proceeded ſo far therein as I, with conſcience, can neither revoke that that I have done; nor never do mean, while I do live, to go back from this that is done, nor with honour proceed further until ſuch time as you there ſhall remove all ſuch ſtumbling blocks, as to be impeachments to our more apparent proceedings: which when by you it ſhall be finiſhed, upon my honour, the reſt ſhall follow to your contentment and comfort. Wherefore my very earneſt requeſt at this preſent to you, my good lord, is, that you will proceed herein with ſuch expedition, as though the enemies to this good purpoſe (which will be no ſmall number, againſt the uniting of this land into one kingdom in time coming, and the maintenance of God's true religion) may not have opportunity, through delay given them, to hinder our pretended determinations; againſt the which, I am of opinion, there will be no practice by foreign princes omitted. This much, I hope, will be ſufficient to reſolve you of your deſire touching the marriage; referring myſelf wholly for your ample inſtruction and ſatisfaction in all points to my lord Boyd; who hath commiſſion by the queen of Scotland, your ſiſter, and alſo by me, to reſolve you of all doubts, whom I wiſh you to credit as myſelf. You ſhall not want the furtherance in this enterprize of the moſt part of the noblemen of this realm, whoſe faithful friendſhip in this cauſe, and all other my actions, I have, to my contentment, ſufficiently proved.

"Thus being perſuaded that your lordſhip's endeavour is for the maintenance of God's glory, and the advancement of the commonweal of this iſland, I have adventured to impart my ſecret determination, as to one whom I make account to be fully aſſured of; and unto whom I wiſh long life and proſperous health to his hearty deſire. So with my hearty commendations,

I ceaſe,

A.D. 1569. vil's Memoirs. When the duke wrote this letter to the regent, Elizabeth had, to appearance, ſo high an opinion of Murray, that ſhe had ſent Middlemore to counſel and aſſiſt him in his affairs (though by that ſhe might only mean that he ſhould be a ſpy upon his conduct), and had thanked lord Hunſdon for the good offices he had done Murray againſt the borderers. That nothing may be wanting to convince the reader how uninformed our hiſtorians, but above all the writer of Melvil's Memoirs, have been, with regard to the tranſactions of this period, I have, in the notes, inſerted another letter * from Cecil to Drury,

I ceaſe, at this preſent, for no further moleſtations to your good lordſhip.

From my houſe in London, the firſt day of July,

Your faithful and moſt aſſured friend to his power."

Poſtſcript.

I have heard you have been in the north parts of Scotland, and doubt not but you have ſatisfied the requeſt I made for the biſhop of Roſs, and have cauſed his ſervants be obeyed of benefices; and what is left undone, I pray you effectually cauſe it to be furthered. He hath the queen of England's letter directed to you for that effect; but truſts that my requeſt ſhall make him be obeyed ere the other come to your hands, whereunto you ſhall do me ſingular pleaſure."

* "Sir, ſince my laſt letter, whereby I ſignified to you the queen's majeſty's deſire to have ſpoken with you, her majeſty hath willed me to write to you in this ſort following: That ſhe would gladly you ſhould tarry no longer from repairing to Berwick, than neceſſity ſhall move you; and that at your arrival there, you ſhall give the earl of Murray to underſtand by your own ſpeech, or by writing, that the queen's majeſty hath, of late, found it very ſtrange to hear it affirmed very plainly and credibly, that he ſhould at his being here, and ſince his departure, by his ſervant John Wood, motion and earneſtly labour

Drury, the marſhal or governor of Berwick, who was his creature and confident. In this letter the reader will ſee, that Drury was ordered to talk with Murray in the ſevereſt terms upon his, and his ſecretary Wood's, having favoured the match with Norfolk without Elizabeth's knowledge or approbation. We may therefore, upon the whole, venture to ſay, that Elizabeth had received no certain intelligence of the marriage before this ſummer. But I am now to attend the affairs of Scotland. A. D. 1569.

Whatever good opinion Norfolk might be inclined to have of the regent, yet the ſevere proceedings of the latter againſt Mary's friends were highly complained of by the biſhop of Roſs; and Elizabeth diſſembling all knowledge of the match between Mary and Norfolk, appeared to be ſo well diſpoſed towards Mary re- Lord Boyd ſent to Scotland,

bour to compaſs the marriage of the Scottiſh queen with the duke of Norfolk; whereof neither he himſelf, nor any of his, did ever notify the ſame to her majeſty. And howſoever he ſhall be induced to think hereof, her majeſty willeth, that he never ſhall find her ſo weak in this ſo great a cauſe, as to ſuffer this to proceed, being ſo attempted without her privity. And if he have not been a firſt beginner, nor labourer herein, her majeſty would directly know the truth, and his knowledge in the ſame. For ſhe thinketh it reaſonable for him to deal plainly with her majeſty, conſidering ſhe hath, in all his cauſes, dealt ſo favourably towards him. And if he ſhall appear to her majeſty not faulty herein, he ſhall hold himſelf aſſured of the continuance of her favours. Theſe, and a much longer ſpeech, with ſome vehemency, her majeſty commanded me to advertiſe you; adding, that ſhe was aſſured you would herein ſhew your faithfulneſs to her majeſty. I perceive her majeſty is as much offended with the manner of the compaſſing hereof, as with the matter itſelf."

A. D. 1569. covering her liberty, that ſhe agreed to ſend a letter to Murray by the lord Boyd (whom Mary was, at the ſame time, diſpatching into Scotland to prevent Murray's perſecution of her friends), propoſing the terms of Mary's deliverance. The lord Boyd met with Murray at Elgin, and put Elizabeth's letter into his hand. It contained in ſubſtance, that Mary

Spotſwood. "ſhould either be abſolutely reſtored to her royal dignity, or be aſſociated in the government with her ſon, and in all letters, and public acts, honoured with the title of a queen; the adminiſtration of affairs continuing in the regent's hands till the king ſhould be ſeventeen years of age; or if none of theſe could be granted, that ſhe might be permitted to return unto her country, and live a private life, having honourable means appointed for her entertainment. The queen of Scots deſired that judges ſhould be appointed for cogniſing the lawfulneſs of her marriage with Bothwell; and if the ſame was found contracted againſt the laws, it might be declared null, and ſhe made free to marry where ſhe pleaſed."

with letters from both queens and Throgmorton. It is certain, that both Elizabeth and Mary's letters were delivered to the regent, before he had made his great diſcoveries of Norfolk's intended match.

Spotſwood. The lord Boyd, at the ſame time, delivered to the regent a letter from Sir Nicholas Throgmorton, who was the great agent on the part of the Engliſh nobility for the

the match, acquainting him of its being concluded, and adviſing him, as his friend, to agree to it immediately and with a good grace, leſt Mary and the duke ſhould think that his conſent was extorted. He likewiſe adviſed him to ſend Maitland up to England, as being the only ſtateſman he could truſt for ſettling the terms of his and his party's ſecurity. The concluſion of Throgmorton's letter is very remarkable, and ſhews how ſanguine that great miniſter was as to the marriage: "No man's friendſhip (ſays he) will be more embraced than yours, no man's eſtimation be greater, if you ſhall conform yourſelf, and concur with your friends in this: contrariwiſe, if you underſtand, or become an adverſe party, you will be ſo encumbered both from hence, from thence, and all other places, as no man can adviſe you what to do. Therefore God ſend you to direct your courſe for the beſt." A.D. 1569.

This letter to the regent was accompanied by one from Sir Nicholas to Maitland, deſiring him to make all the haſte he could to the court of England, he being the moſt proper miniſter that could be employed for opening the match to Elizabeth, who was ſtill ignorant of the ſame. He then intimates, that it was ſo ſtrongly ſupported by the earls of Arundel, Pembroke, Leiceſter, Bedford, Shrewſbury, and the reſt of the wiſeſt, nobleſt, ableſt, and mightieſt noblemen of England, that it

A. D. 1569. was held aſſured Elizabeth would conſent to it for her own ſecurity, and the happineſs of her people; but that it ſtill was to be underſtood, nothing was to be done but by her conſent. He then expatiated upon the danger, as Elizabeth ſhewed no inclination for a huſband, of her next heir the queen of Scots marrying a foreign prince; and how eligible it was, that ſhe would make the duke of Norfolk, who was a popular Engliſh nobleman, and a proteſtant, her huſband; and that if the young king of Scotland ſhould live to be of age, that he might marry the duke's daughter.

A convention of eſtates. The regent having read his letters, which he received in June, appointed a convention of the eſtates of Scotland to meet in July. In the mean while, he told lord Boyd, that if Mary was in earneſt for a divorce, ſhe might write to the king of Denmark to do juſtice upon Bothwell, which would ſave her the trouble of a tedious proceſs for a divorce in Scotland. Upon the meeting of the eſtates at Perth, it was no wonder if great debates aroſe. Elizabeth had, again and again, promiſed both in public and private, that if ſhe found Mary to be guilty of her huſband's murder, ſhe never would conſent to her being re-inſtated in the royal dignity. Her conſent therefore, at this time, to ſuch a reſtitution, was a manifeſt evidence that ſhe did not believe her guilty; or, in other words, that the ſilver-box papers were forged.

forged. The regent's party's intereſt in the aſſembly, was however ſo great, that it was reſolved to ſupport the infant king's authority, and conſequently to reject the propoſal for Mary's reſtoration. The ſecond propoſal was rejected, as being dangerous and impracticable; and Murray was afraid of oppoſing the third, which met with general approbation. We are told, however, that he ſecretly did all in his power to render it abortive. Mary's requeſt came next under deliberation; and to the amazement of all unprejudiced perſons, her divorce from Bothwell was oppoſed by the very men who before had been ſo clamorous for an eternal ſeparation between them. Upon the whole, nothing deciſive was done in this convention, and the regent was contented with ſending an account of the debates to Elizabeth by his ſecretary Wood, whom ſhe received with great coldneſs, becauſe ſhe was now fully convinced of Murray being concerned in the match, and that Wood was his agent. A. D. 1569.

Elizabeth had now, by the bold reſolute manner in which ſhe declared herſelf againſt the match, ſtruck ſo effectual a terror into Leiceſter, that either in a pretended or real fit of ſickneſs, he made an ample diſcovery to Elizabeth of all he knew of the matter, and of all the noblemen who had favoured it. This diſcovery produced the peremptory letter ſent by

Proceedings upon Norfolk's marriage.

A. D. 1569. by Cecil to Drury, which we have already ſeen; and another to the ſame purpoſe was ſent by Cecil to the lord Hunſdon, Elizabeth's kinſman. When he received it the regent was at Kelſo, employed in ſuppreſſing outlaws and ſettling the borders. Upon his meeting with lord Hunſdon, and being taxed with his knowledge of the marriage, he endeavoured to excuſe himſelf; but owned he had told the duke of Norfolk, that if Mary was divorced from Bothwell, or if he was executed, he would give his conſent for her marriage with the duke.

Maitland ſent priſoner to Edinburgh.

Notwithſtanding what paſſed between the regent and the lord Hunſdon, there is reaſon to believe, that the former more than ſuſpected the diſcoveries that had been made to Elizabeth; and thereby perceived himſelf to be on the brink of ruin by the loſs of her friendſhip. He therefore agreed to give her an ample proof of his repentance by ſacrificing to her, his friend and intimate, Maitland. Crawford, ſervant to Lenox, and the ſame who had been examined by the commiſſioners againſt Mary, was employed upon this occaſion; becauſe the regent did not chuſe, if he could poſſibly avoid it, to appear openly againſt a man who was poſſeſſed of all his ſecrets. Upon a meeting of the council, Crawford applied for immediate admittance into the room at Stirling, where he directly accuſed Maitland with being

being acceſſary to Darnley's murder, and deſired that he might be ordered into cloſe confinement. Maitland had for ſome time before this ſuſpected the regent not to be his friend, and he behaved towards him with great ſhyneſs; but truſting to his own intereſt, he had been prevailed upon, though with ſome difficulty, to attend the council. The board ſeemed to be aſtoniſhed at Crawford's charge; but Maitland himſelf behaved with great intrepidity and preſence of mind, and demanded to be admitted to bail *. This was oppoſed by the proſecutor; and with a ſeeming reluctance on the part of Murray, he was ſent priſoner, under a guard, to Edinburgh. Sir James Balfour, the ſame who had been governor of the caſtle of Edinburgh, and his brother were likewiſe committed to the caſtle of Stirling. A.D. 1569.

The regent made a great merit with Elizabeth of this vigorous proceeding; and there is no room to doubt that he ſent her an ample diſcovery of all he knew relating to the marriage. So many informations as Elizabeth now received, determined her to proceed with more rigour (if not barbarity) than ever towards Mary. She ſuſpected the earl of Shrewſbury, her head keeper, as being too favourable Barbarous treatment of Mary,

* I have inſerted into the narrative of this tranſaction ſome part of the account given of it by the author of Melvil's Memoirs, becauſe it is not inconſiſtent with Crawford's MSS. which I look upon to be a much better authority.

to

A. D. 1569. to her cauſe; and ſhe knew the connection there was between the duke of Norfolk and the lord Scroop. She therefore joined the earl of Huntingdon, whom Mary conſidered as her moſt determined enemy in England, in commiſſion with the earl of Shrewſbury, on pretence of the latter's ill ſtate of health, to take the cuſtody of Mary. In the letter ſhe writes to the earl of Huntingdon, ſhe makes a kind of an apology for ordering him to take charge of Mary in another perſon's houſe; but deſires him to carry with him ſome of his moſt truſty ſervants, becauſe ſhe apprehended an attempt would be made for Mary's eſcape. "We would have you alſo, (continues her letter) after conference with our ſaid couſin of Shrewſbury, to deviſe how the number of the queen of Scots train might be diminiſhed, and reduced only to thirty perſons of all ſorts, as was ordered, but, as we perceive, too much enlarged of late time. You ſhall alſo jointly with the earl of Shrewſbury, give order, that no ſuch common reſort be to the queen, as hath been; nor that ſhe have ſuch liberty to ſend poſts as ſhe hath done, to the great burden of our poor ſubjects: and if ſhe ſhall have any ſpecial cauſe to ſend us, then you ſhall ſo permit her ſervant with the warrant of your hand; and none to come otherwiſe." The cloſe of her letter is as follows: "After we had conſidered of ſome part of the premiſes,

miſes, we thought, in this ſort, to alter part thereof. We will that no perſon ſhall be ſuffered to come from the queen of Scots with any meſſage or letter: but if ſhe will write to us, you ſhall offer to ſend the ſame by one of yours. And ſo we will you to do; for our meaning is, that for a ſeaſon ſhe ſhall neither ſend, nor receive any meſſage or letters without our knowledge." A.D. 1569.

Thus Mary, while ſhe was flattering herſelf with the hopes of immediate deliverance from her priſon, was treated as the vileſt of ſelf-condemned criminals. She had been often heard to mention the earl of Huntington's name with horror, on account of his connections with the Grey family; and ſhe more than once expreſſed her apprehenſions, that ſhe had been removed to Tutbury, which was in his neighbourhood, that he might have an opportunity to take away her life. When he arrived at Tutbury, the earl of Shrewſbury could not conceal his indignation at having him appointed for his coadjutor. Huntington expreſſed his uneaſineſs on that account in a letter to Cecil; and plainly charged the earl of Shrewſbury with favouring Mary too much, and with being too remiſs in the exerciſe of his office as a jailer. The truth is, while Mary was at Tutbury, ſhe had held an uninterrupted correſpondence with the duke of Norfolk, by the agency of his ſervant Liggons, and one Cavendiſh, who receives a new keeper.

A. D. 1569. Cavendiſh, who had been recommended to her by the earl of Leiceſter. This had come to Elizabeth's ears, probably by Leiceſter's own information. The two noblemen were ordered by Elizabeth to make ſtrict ſearch for the letter, which had been written to her by the earls of Pembroke and Leiceſter, and which was in the latter's hand-writing, together with all the other papers relating to her marriage. They accordingly, with a behaviour equally unmanly as unmannerly, rummaged all Mary's cabinets and coffers, but to no purpoſe; for her intelligence was ſo good, that ſhe had deſtroyed all the papers they wanted.

Elizabeth's inſtructions to Cary.

Before Elizabeth received from Murray the packet, which contained all he knew concerning the marriage, ſhe had repented of the propoſal which ſhe had ſent him, and which had been adopted by the Scotch parliament; for ſhe diſpatched her kinſman, Henry Cary, to Scotland, with a new ſet of very extraordinary inſtructions, and which were calculated for either keeping Mary a perpetual priſoner, or for putting into Elizabeth's hands the chief of the Scotch nobility, on the ridiculous pretext of their being detained in England as hoſtages for Mary's ſafety in Scotland. Cary was ordered to acquaint the regent that his miſtreſs could no longer avoid coming to a final reſolution with regard to Mary. Her demands,

mands, therefore, were as follow: "First, That three earls and three lords of parliament ſhould be given as hoſtages that Mary ſhould live her natural life, without any ſiniſter means to ſhorten the ſame. The earls and the lords were to be ſelected from the following liſt: the earls of Angus, the earl of Crawford, the earl of Mar, the earl of Caſſils, the earl of Buchan, and the earl of Monteith: and for the barons and lords of parliament, it were meet that ſome of theſe were, the lord Hume, the lord Lindſay of Byrris, the lord Ruthven, the lord Oliphant, the lord Glamis, the lord Grey, the lord Ogilvie, the lord Semple, the lord Innermeth, the lord Stuart of Ochiltree, and the lord Maxwell. In caſe an earl could not be had, two lords of parliament, or two heirs apparent of earls, were to ſupply his place. Secondly, That theſe hoſtages remain in England upon the charges of the crown of Scotland, and that Mary ſhould enjoy the eſtate granted her by that parliament. Thirdly, That the regent ſhould, laying aſide all pretence of ſending any perſon to treat with her (Elizabeth), inſtantly ſend an anſwer under his hand and ſeal, and thoſe of his friends, to her demands; and likewiſe a full account of all he knew concerning Norfolk's marriage." A. D. 1569.

Variance between the regent and Kirkaldy.

The regent found himſelf now beſet with ſo many difficulties, not knowing upon what terms he ſtood with Elizabeth, that he became

A. D. 1569. ſuſpicious, diſtruſtful, and (what he was not naturally inclined to be) cruel. The ſacrifice of Maitland, who had been the main adviſer of the propoſed marriage, he thought would be an atonement for him with Elizabeth; but he found ſome difficulty in bringing him and Balfour to the block, on account of Kirkaldy, who was in poſſeſſion of Edinburgh caſtle, and Maitland's declared friend. The baron of Down, to whom he had opened his intention of diſplacing Kirkaldy, put the latter upon his guard. It was ſome time before Kirkaldy would give credit to Down's information, becauſe the regent ſolemnly proteſted that he had no hand in the commitment of Maitland; and that if Kirkaldy would ſuſpend his judgement, he would ſoon be undeceived. Thoſe aſſurances did not ſatisfy Kirkaldy, eſpecially after a proceſs was iſſued out againſt the two priſoners for trying them capitally. At firſt Kirkaldy inſiſted upon the earl of Morton and Mr. Archibald Douglas being tried likewiſe. Failing in this demand, he and lord Herries openly accuſed Morton and Douglas of being art and part in the late king's death; and to prove the charge, Herries offered to fight Morton, and Kirkaldy, Douglas. The regent ſtill wanted to pacify matters with a view of getting Kirkaldy into his hands, likewiſe, ſo as to cut him off either by law or violence. Kirkaldy was on his guard; and inſtead of paying

Maitland

Maitland a friendly viſit, as the regent and Morton hoped, he marched at the head of a ſtrong detachment of his garriſon, and reſcued Maitland from his priſon *. Both Crawford and the writer of Melvil's Memoirs agree, that Morton hired four ruffians to murder Kirkaldy if he had entered Edinburgh unattended. A.D. 1569.

Thus Grange had the cuſtody of Mary's three capital friends, the duke of Chatleheraut, the lord Herries, and Maitland. The high opinion which the public had (and with great juſtice) of Kirkaldy's courage, ſpirit, and honeſty, and the great ſervices he had performed to the regent and his party, joined to the univerſal deference that was paid to Maitland's accompliſhments as a ſcholar and a ſtateſman, began to cool the affections of many who had joined him, and particularly the lord Hume, who was Morton's declared enemy. The regent, though he was incapable of fear, was ſuſceptible of flattery, and eaſily reſigned himſelf to the guidance and opinions of others. Morton had all the ill, without any of the good, qualities of the regent. He was cove- Diſſimulation of the regent.

* Spotſwood ſays, that Kirkaldy counterfeited the regent's hand in a warrant which he ſhewed to the keeper, who immediately delivered up his priſoner to Kirkaldy. Though it is not very material to our hiſtory whether Maitland was delivered by force or fraud, yet it is eaſy to perceive in the archbiſhop a partiality; probably ariſing from family obligations and connections with the regent.

tous,

A.D. 1569. tous, cloſe, deſigning, ambitious, and vindictive, to the laſt degree; and having got a complete aſcendency over the regent, he perſuaded him to diſſemble till a proper opportunity ſhould preſent itſelf of ſtriking the blow he intended. He carried his diſſimulation to ſuch exceſs, that, if we are to believe the writer of Melvil's Memoirs, he paid Maitland and Kirkaldy a viſit in the caſtle. Be that as it will, it is certain that they had an interview together; but the regent's manner was ſo unlike that open, manly, behaviour which had always diſtinguiſhed him, that it was eaſy for the penetrating Maitland to perceive the reſtraint he was under, and that all was the reſult of Morton's counſels. But it is now time to return to England.

Mary's intrigues with the duke of Norfolk and the Roman catholics

Elizabeth had received Wood, who was a low-bred man, with ſo much diſdain, that Pitcairn abbot of Dumfermling, a man of greater conſideration, was ſent to ſupply his place. While Pitcairn reſided in England, the affair of the marriage took an unfavourable turn, which I ſhall relate without regard to our former hiſtorians, either Scotch or Engliſh, becauſe the ſtate-papers of the time ſupply me with ample materials.

The duke of Norfolk continued to pay his court aſſiduouſly to Elizabeth, till he found by her repeating the caution that he ſhould take care upon what pillow he reſted his head, and

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an unuſual ſeverity in her behaviour, that he was to expect the worſt if he ſhould perſiſt in the purpoſe of his marriage. Not knowing how to behave, he applied for advice to the earl of Pembroke, and the reſt of his friends in London; but they, like himſelf, had been treated with ſo much coldneſs by Elizabeth and her miniſters, that each had retired to his country ſeat, as the duke himſelf did to Andover, to avoid the impending ſtorm. It was about this time that Elizabeth had not only all her ſuſpicions confirmed, concerning the match, by the regent's information, but had received undoubted intelligence that it had been approved of by the kings of France and Spain, Mary having ſent credentials for that purpoſe by one Borthwick, to her embaſſador the archbiſhop of Glaſgow. All this ſerved only to exaſperate Elizabeth the more; and ſhe ſent Henry Skipwith, one of her moſt truſty agents, with orders for the earls of Shrewſbury and Huntington, and the viſcount Hereford, to provide a body of troops for oppoſing any attempts that might be made to reſcue Mary. She had more reaſon for this precaution than perhaps ſhe was aware of. While Mary was at Wingfield, the earls of Northumberland and Weſtmoreland had been tampered with by one Rudolphi, a Florentine merchant, reſiding for ſome time in England, and was now the ſecret agent of the pope, and the A.D. 1569.

A. D. 1569. the Roman catholic powers, who had given him credit for large ſums to be employed in Mary's ſervice. Her other agents in the north were buſy at the ſame time, and met with great ſucceſs, till a plan of rebellion was concerted between them and the two earls. In the mean time, Leonard Dacres, ſon to a nobleman of that name, brought to Mary, while ſhe was at Wingfield, a map of England, to ſhew how practicable it was for him to reſcue and carry her to the north. Mary was ſo generous as to refuſe to conſent to the reſcue, unleſs it was approved of by the duke of Norfolk, who diſſuaded her from it, on account of ſome perſonal differences he had with Dacres. The duke, at the ſame time, would have willingly perſuaded her not to truſt the earl of Northumberland, becauſe he ſuſpected that that nobleman had ſome views of matching Mary either into his own family, or with a foreign prince.

threaten a rebellion.

Northumberland appeared now to be keen for the marriage; and offered, if ſhe would advance him thirty thouſand crowns, to carry Mary into the north, where, even if Elizabeth ſhould oppoſe the marriage, it might be conſummated upon honourable terms. The duke was ſo tender of offending Elizabeth, that he rejected this propoſal likewiſe; at which Mary was ſo much offended, that ſhe ſent Biſhop, and other truſty agents, to treat with the two northern

northern earls unknown to Norfolk, who ſhe ſaid had precluded her from the means of eſcaping when ſhe might have done it, and ſtill refuſed to be aſſiſting in her deliverance. We are in the dark as to the means which Mary found out for carrying on ſo many intrigues, notwithſtanding the ſevere orders that had been given to her two jailers; but it is certain that Elizabeth had but a very imperfect knowledge of the particulars, though ſhe ſuſpected more, perhaps, than the truth. By the intelligence ſhe received from lord Wentworth it appeared, that the duke of Norfolk, while he was in the country, kept company with few or none but profeſt papiſts, though he was himſelf a declared proteſtant. The duke is likewiſe accuſed, by contemporary writers, of the incautious manner in which he lived in the country, and his affecting too much popularity, as if he meant to ſet Elizabeth at defiance. I am inclined to believe that a great deal of this is true; but indeed the duke had neither ſpirit nor reſolution to ſupport the part he had undertaken. He had always declared, even to his moſt intimate friends, that he never would marry the queen of Scots without Elizabeth's conſent; while, at the ſame time, he trembled to think that a civil war was now almoſt unavoidable, through Mary's intrigues in the north; but he ſtill conſoled himſelf that he had, as A. D. 1569.

A. D. 1569. yet, committed no overt act of treaſon againſt Elizabeth.

Norfolk is ſummoned to court, and his friends are confined.

After many conflicts in his own mind, he had reſolved to throw himſelf at Elizabeth's feet, when Mr. Fitzgerald (or, as he is called in the diſpatches of that time, Mr. Garret) brought him a letter from Elizabeth, ordering him to repair to her at Windſor. This peremptory meſſage, which was delivered on the twenty-firſt of September, ſtaggered his reſolution, and he pretended to be ill of a fever and ague; but promiſed to attend the court in four days. It appears, in the mean while, he had received from Cecil a ſevere reprimand, on account of the company he kept; and had been informed that Murray had diſcovered all he knew concerning the marriage. This added to his terror; and inſtead of repairing, as he had promiſed, to Windſor, he went to Kenninghale, one of his country ſeats; upon which Elizabeth ſent him a ſharp letter, commanding him, upon his allegiance, without pleading any manner of excuſe, to repair to her court. She ſent the like ſummons to the earl of Arundel and lord Lumley, two of Norfolk's moſt intimate friends, and ordered both of them to be confined to their houſes. Elizabeth then proceeded, though with great caution, for fear of rendering the duke deſperate, as if ſhe had been on the eve of a rebellion.

ſion. A letter was directed by the council to ſeveral counties, acquainting the people and the juſtices that no harm was meant to the duke of Norfolk; that he was ordered only to attend the court, becauſe the queen diſapproved of the propoſed marriage; and that ſhe knew nothing of him inconſiſtent with the character of an honourable perſon, and a loyal ſubject. Along with this proclamation, orders were diſpatched by Elizabeth to lord Wentworth, that he ſhould ſend the duke of Norfolk even in a litter, whatever his ſtate of health might be; while Cecil, to render him leſs ſhy, privately informed him, by writing, that Elizabeth intended to inflict upon him no greater cenſure than that of confining him, as ſhe had the two other lords, to his own houſe. Both of them, in the mean time, were examined, as was the earl of Pembroke; and in their anſwers all of them agreed, that they never meant to proſecute the affair of the marriage farther than as they found it agreeable to Elizabeth's good pleaſure. During the courſe of this examination, however, it came out, that the lord Lumley had been in company with Mary's and the Spaniſh embaſſadors; for which he was ſent priſoner to the Tower. Some freſh advices which Elizabeth received from the regent, determined her to order Fitzgerald to arreſt the duke of Norfolk, who was ſet out for Windſor, at Ux- A. D. 1569.

A. D. 1569. bridge, and to carry him to a gentleman's houſe at Burnham. The duke had ſo little idea of his ſituation, that he had already ſent to beſpeak his lodgings at court; and though he had forty horſemen in his company, he quietly ſubmitted to the arreſt, though Fitzgerald was not attended by above ſix or ſeven perſons.

The duke of Norfolk arreſted and confined.

While the duke remained at Burnham, Sir Henry Nevil was appointed to take charge of his perſon, without ſuffering him to converſe with any one, and his principal ſervants were arreſted likewiſe. Some unfavourable circumſtances appearing in the duke's examination, Sir Henry Nevil and Sir Francis Knolles were ordered to carry him a cloſe priſoner to the Tower of London. Elizabeth's indignation next fell upon Sir Nicholas Throgmorton, who underwent, on the tenth of October, an examination before the lord-keeper, Sir Ralph Sadler, and Sir Walter Mildmay. Throgmorton prevaricated in his examination, if the letters aſcribed to him by archbiſhop Spotſwood are genuine; for he ſays, that he wrote nothing to Murray expreſly concerning the matter of the marriage. It is almoſt incredible with what aſſiduity and diligence Elizabeth and her miniſters continued their examinations of all that were concerned in this affair; and if they were collected, they would amount to a large volume.

The

The public of England were thrown into the utmoſt conſternation at the ſevere treatment of the duke of Norfolk, and the unfair means that had been employed to entrap him. Mary's agents in the north of England had been ſo ſucceſsful, that her friends there were ripe for a revolt, and actually appeared in arms in ſmall parties. The earl of Suſſex, who continued lord-preſident, kept a careful eye over the inſurgents; and about the beginning of October he had drawn together a body of men; but he diſmiſſed them, as no violence had been offered. About the middle of the ſame month, the lord Willoughby diſcovered that a number of people were in arms at a place called Kirbymore-ſide; upon which, the earl of Suſſex received freſh orders to aſſemble his forces, and to watch the motions of the earls of Northumberland and Weſtmoreland, who were, at this time, actually in treaty with the duke of Alva, the Spaniſh general in the Low Countries. Large ſums had gone through this duke's hands for the uſe of Mary's friends in England and Scotland; and he had agreed to throw over a body of men into England, as ſoon as it was known that Mary's friends were in arms in the north. A. D. 1569. Riſings in the north of England,

The earls of Northumberland and Weſtmoreland ſeem to have been very weak men, and ſo much under the power of prieſts as not to regard their moſt ſolemn proteſtations. where an actual rebellion breaks out.

When

A. D. 1569. When the earl of Suſſex taxed them with their rebellious deſigns, they denied them in ſuch a manner that they convinced him of their innocency; and he diſmiſſed them, with leave to enquire into the authors of the ſlanders that had been raiſed againſt them. He even recommended them to Elizabeth's favour; but their practices now became ſo notorious, that ſhe ordered the earl of Suſſex to command their attendance upon her perſon. When Suſſex intimated this order to the two earls, Northumberland, preſuming upon his great rank and family, retired to Topcliff, to the diſappointment of Elizabeth, who reprimanded the earl of Suſſex for ſuffering him to eſcape. From Topcliff, Northumberland removed to Harleſſey, where he conſulted, in the open fields, (the ſtate-papers ſay under a hedge) with the earl of Weſtmoreland, Leonard Dacres, and other chiefs of the conſpiracy. They then went to Branſpeth, where they met with a meſſenger from Mary, promiſing them greater aſſiſtances both in men and money; but deſiring them, at the ſame time, to defer their riſing, and only keep themſelves in readineſs.

This meſſage was occaſioned partly by the ſlowneſs of the duke of Alva's motions, and partly by Norfolk's danger. Vitelli, a Spaniſh officer of rank, had been ſent over on pretence of regulating ſome commercial differences between his maſter and Elizabeth; but,

but, in reality, to command the troops that were to be ſent to aſſiſt the northern rebels: and La Motte, the governor of Dunkirk, was, at this time, in the habit of a common ſailor, actually ſounding the ports where they were to land. One Havers was ſoon after ſent by the duke of Norfolk to diſſuade the northern noblemen from riſing at that time, becauſe they might endanger his head. Havers came too late; for the ſignals of rebellion were then publiſhed, by ringing the bells backward, all over the north of England; and the two noblemen emitted a manifeſto, which the reader will find in the note, and I believe never has been ſeen by any of Mary's hiſtorians *. A. D. 1569.

* "Whereas it hath been by the ſiniſter and wicked reports of ſundry malicious perſons, enemies both to God's word, and the public eſtate of this commonwealth, deviſed and publiſhed, that the aſſembly of theſe noblemen, the earls of Northumberland and Weſtmoreland, with ſundry of the greateſt worſhip and credit in this part of the realm, is, and hath been, to the overthrow of the commonwealth and the crown; it was therefore thought good, to the earls and their council, to ſignify to all and every of the queen's majeſty's ſubjects, the true and ſincere meaning of the ſaid earls, their friends and allies.

"Know ye, therefore, that whereas of late it hath been faithfully and deliberately conſidered and deviſed, by the right high and mighty prince Thomas duke of Norfolk, Henry earl of Arundel, William earl of Pembroke, together with the ſaid earls of Northumberland and Weſtmoreland, and divers others of the ancient nobility of this realm, with the common conſent of ſundry the principal favourers of God's word; and the ſame, as well for the avoiding of bloodſhed, and utter ſubverſion of the commonwealth, as the reforming of certain diſorders, crept in by the abuſe and malicious practices of ſundry wicked and evil diſpoſed perſons; to make manifeſt and known to all manner of men, to whom, of mere right, the true ſucceſſion of the crown

A. D. 1569. The rebels, before this manifeſto was publiſhed, had invited the earl of Derby and the lord Monteagle to join them; but they ſent their letters to Elizabeth, who ordered tranſcripts of the manifeſto to be ſent to the duke of Norfolk, and the other noblemen mentioned in it. All of them purged themſelves in the moſt ſolemn manner of having any concern with the rebels. Elizabeth then applied herſelf to the ſuppreſſion of the rebellion, in a manner which gives us a high opinion of her genius. She pitched upon the earl of Suſſex to be her general, though ſhe knew that he ſecretly favoured Mary's cauſe; and ſhe ſent a

crown appertaineth, dangerouſly and uncertainly depending, by reaſon of many titles and intereſts pretended to the ſame: the which godly, good, and honourable meaning of the ſaid nobility, hath been ſought, by all manner of means, to be prevented, by certain common enemies of this realm about the queen's perſon; by whoſe ſiniſter and deteſtable counſel and practice, well known to us, and to the reſt of the nobility, their lives and liberties are now endangered; and daily devices made to apprehend our bodies, the true remain of their virtuous counſel and intent; the which their unjuſt and ambitious policies and practices can, by no ſubmiſſion on our parts, be avoided, but only by the ſword:

"We have, therefore, of juſt and faithful meaning to the queen's majeſty, her commonwealth, and the true ſucceſſors of the ſame, aſſembled ourſelves to reſiſt force by force; wherein we commit ourſelves (ſeeing no interceſſion will help) to the exceeding mercy and goodneſs of God, and to all true favourers of this realm of England; reſolved in ourſelves, in this ſo juſt and godly enterprize, wholly to adventure lives, lands, and goods: whereunto we heartily crave the true aid and aſſiſtance of all faithful favourers of the quietneſs of the commonwealth, and the ancient nobility of the ſame. God ſave the queen and the nobility."

letter

letter to the earl of Cumberland, whom the insurgents looked upon to be their friend, ordering him to join Sussex. Though Sir Henry Piercy was a papist, and brother to the earl of Northumberland, she distinguished him with the most entire confidence, and promised, notwithstanding his brother's rebellion, to continue him in the estate and honours of his family. Her chief dependence, however, was upon her kinsman, the lord Hunsdon, on whom she bestowed the government of Newcastle, he being before governor of Berwick, together with ample powers to act in what manner he thought proper for her service. A. D. 1569

Its progress.

The earl of Sussex appeared extremely uneasy under his new commission. He informed Elizabeth, by a letter, that the two rebel lords had taken arms only on a religious account; that they were easily reclaimable to their duty; and that he was apprehensive the country would not stand by him, if he should proceed to extremities. In short, he hinted that it would be proper to offer a pardon to the earls and their abettors. His letters gave Elizabeth great umbrage; but she was so far from being terrified, that they encreased her resolution to bring the delinquents to punishment. She ordered Sussex to publish to all the world that the rebels intended to bring a foreign power to invade and conquer England. She reprimanded him severely for his

A. D. 1569. apprehenſions, and ordered him to ſecure thoſe whom he ſuſpected, and even to make examples of ſome, if needful. As to a pardon, Elizabeth refuſed to grant any to the heads of the rebellion; but impowered Suſſex to offer one to the meaner ſort, provided they would lay down their arms, and ſue for mercy. She commanded him to collect together all his force, and to rendezvouſe his men within twelve miles of Branſby, by the twenty-firſt of November; and if he ſhould not then think himſelf ſtrong enough, to amuſe the rebels with propoſitions, till he could be joined by the lord Hunſdon, and the forces of the counties of Lincoln, Nottingham, Derby, Stafford, Lancaſhire, and Cheſhire. Elizabeth, in the mean while, though ſhe had too much magnanimity to ſeem to diſtruſt the earl of Suſſex, ſent down Sir Ralph Sadler, on pretence of aſſiſting him with his great experience; but, in reality, to be a check upon him, and to take care of the army's payment She, at the ſame time, appointed the earl of Warwick and the lord-admiral to be lieutenant-generals of her army; and ordered ten thouſand foot and about fifteen hundred horſe to be raiſed in the ſouthern counties. Though the earls of Shrewſbury and Huntington offered her their ſervices, and would have been highly uſeful to her in the field, yet ſhe continued them her truſtees for the ſafety of Mary's perſon;

perſon; for after thanking them for their good will, ſhe charged them to look well after the perſon of her, "whom the world beholdeth to be the principal hidden cauſe of theſe troubles." A. D. 1569.

The two earls, and ſome gentlemen of the country, were now in the field, and at the head of about four thouſand troops, but without any concert or diſcipline. Never was any rebellion conducted with leſs judgment; and it ſoon appeared, that though the rebels had taken arms on pretence of ſettling the ſucceſſion, their real intention was to reſtore popery, and to plunder the country. They carried the banners of ſuperſtition before them, and ſeemed intent upon aboliſhing the proteſtant religion, wherever they came. When they entered Durham, on the thirteenth of November, they defaced all the marks of the national worſhip in the church, and tore in pieces all the bibles and common-prayer-books they met with. The money which had been ſent from abroad, kept up the ſpirit of the party; and from Durham they marched to Darlington, Rippon, and Boroughbridge, at all which places they reſtored the maſs, and diſperſed their manifeſto. When they rendezvouſed on Clifton-moor, they were two thouſand horſe, and five thouſand foot. After calling a council of war, it was propoſed that they ſhould directly march to Tutbury, and deliver Mary; but they dropt that deſign, when they underſtood that ſhe had been re- The rebels reſtore popery.

A. D. 1569. moved to Coventry by her two keepers. Fortunately for the rebels, Elizabeth's ill timed frugality, in hopes of being able to diſperſe them without any expence, put her officers under great difficulties. The country in general favoured Mary's cauſe; and the common people could not be brought to the field, when winter was ſo far advanced, to act againſt the rebels. Upon the generals laying thoſe diſcouragements before Elizabeth, ſhe found ſhe had no time to loſe, and ordered ſupplies of money and ammunition to be ſent down to Leiceſter and York, where the earl of Suſſex and lord Hunſdon were waiting to be joined by the earl of Cumberland, the lord Scroop, and Sir John Foſter, warden of the middle marches.

Backwardneſs of Elizabeth's generals.

The intention of Elizabeth's generals was, as ſoon as the junction could be effected, to have marched to Barnard caſtle, which was held for her by Sir George Bowes; but he was unprovided to make any reſiſtance. The earl of Cumberland and the lord Scroop were then at Carliſle, but took ſo much time in fortifying that city, that the rebels got the ſtart of the queen's generals; and on the twenty-fourth of November they marched to Barnard caſtle, which was ſurrendered to them by the governor. They were now proclaimed traitors by the earl of Suſſex; and Elizabeth publiſhed a manifeſto, ſetting forth the true motives of the rebellion, and the danger to which the proteſtant

teſtant religion was expoſed. The rebels, on the other hand, encouraged by their ſucceſſes and the viſible backwardneſs of Elizabeth's generals, treated that princeſs as an uſurper, and ſpoke of Mary as being the lawful queen of England. Elizabeth upbraiding the earl of Cumberland and lord Scroop with their inactivity in her ſervice, they pleaded that her orders to them were intercepted by the rebels, and that they could furniſh the earl of Suſſex, who demanded a thouſand horſe, with no more than two hundred; and not even them, unleſs money was paid them in advance. A. D. 1569.

Elizabeth now found that it would be impracticable to ſuppreſs the rebellion by the troops raiſed in the northern counties alone, and ſhe ordered the earl of Rutland, the lord Hunſdon, who was made general of the horſe, the lord Evers, and the lord Willoughby of Parham, with all the men they could raiſe, to join the earl of Suſſex; ſo that by the fifth of December, by their aſſiſtance, and the money ſent him, the earl of Suſſex was enabled to put his army in motion. In the mean while, Elizabeth ordered her lord admiral (who was very active in Lincolnſhire and the ſouthern counties) to ſend five hundred horſe to join Suſſex, whoſe army was likewiſe encreaſed by the garriſon of Barnard caſtle, which Bowes had brought off upon honourable terms; and Suſſex had intelligence that the lord admiral was marching north- The rebellion ſuppreſſed.

A. D. 1569. northward at the head of ten thouſand men, well armed and well diſciplined. The rebels were then at Hexham, in hourly hopes of hearing that an invaſion had taken place in the ſouth; but being diſappointed in all their mighty hopes, and finding they were in danger of being expoſed to two fires, the two earls, their heads, fled to Naworth caſtle, and from thence into Scotland.

The meanneſs and puſillanimity of the two earls made no great impreſſion upon their followers, who imagined that Elizabeth's offer of pardon upon throwing down their arms was ſtill in force; but they were miſtaken; for when they ſurrendered to the royal army, no fewer than ſixty-ſix petty conſtables, and one Plumtree, a prieſt, were hanged at Durham. The moſt obnoxious of their ringleaders were put to death at York and London; and if we are to believe the popiſh hiſtorians of the times, no fewer than eight hundred were executed. Thus ended this very ill-judged inſurrection. That Mary knew of it, is more than probable; and her memory has been taxed on that account, but very unjuſtly, unleſs it can be proved, that after the treatment ſhe had received from Elizabeth, ſhe was not entitled to employ almoſt every means for her own deliverance. With regard to the duke of Norfolk, Elizabeth ordered Knolles to ſhew him the rebellious manifeſto; and he moſt ſolemnly diſclaimed, by a letter

letter to the queen, all concern or connexion with the rebels or their heads. This did him no ſervice, becauſe Elizabeth already knew that he had been tampering with them, from the diſcoveries which had been made by Murray and Leiceſter. The earls of Pembroke (Elizabeth's ſteward of the houſhold) and Arundel made the like proteſtations, but with a much better grace; ſo that the earl of Pembroke was received into favour, and continued in his office. Every day, however, rendered Elizabeth more jealous of the match between Mary and Norfolk; till at laſt, in an unmanly manner, he diſclaimed all connections with the queen of Scotland, and promiſed that he would marry no woman but with Elizabeth's conſent and approbation.

A. D. 1569. Dated Decemb. 3.

In the mean while, the earls of Northumberland and Weſtmoreland were protected by Mary's friends in the ſouth of Scotland, eſpecially the earl of Hume and the baron of Buccleugh. Upon this, the lord Hunſdon wrote a letter to the regent in ſuch terms, that the earl of Northumberland was apprehended and confined to the priſon of Lochlevin; but the earl of Weſtmoreland eſcaped to Mary's party; and though he was often demanded by Elizabeth, he was by them protected and employed. Crawford ſays, that the regent raiſed ſome troops, and marched them to the borders, where the Elliots (a clan of borderers) ſheltered Northumberland till

1570. The earl of Northumland made priſoner in Scotland.

A. D. 1570. till they could convey him in ſafety to Dunbarton caſtle; but that Murray ſuddenly ſurrounded the houſe where the earl was; and that though the Elliots behaved very bravely, and killed one of the regent's captains, he was made priſoner.

Rebellion of Leonard Dacres.

The ſeverity with which Elizabeth had ſuppreſſed the late rebellion, produced another in England. Leonard Dacres, whom I have already mentioned, was ſecond ſon of lord Dacres of Gilleſland; but the eſtate had gone to his elder brother's daughters. He was in his perſon deformed, but active, cunning, and vindictive. His credit in the north of England, by his being the heir male of that great family, was ſo conſiderable, that he forcibly kept poſſeſſion of part of his father's eſtate, at which Elizabeth winked. She even received him well at her court; and upon the breaking out of the rebellion, ſhe not only gave him a commiſſion to fortify Naworth caſtle, but a command in her army that was to act againſt the rebels. He was no ſooner poſſeſſed of this commiſſion, than he applied to Vitelli, whom I have already mentioned, and offered his ſervice to his maſter the king of Spain; promiſing, if he was ſupplied with money, to turn Elizabeth's commiſſion againſt herſelf, by raiſing men for the rebels. Vitelli gave him all the encouragement he deſired; and when he returned northwards, he promiſed the two earls to ſurpriſe Carliſle, murder its biſhop, and

and cut off the body of troops under the lord Scroop. After he was diſappointed in his attempt upon Carliſle, by its being fortified, he took poſſeſſion of the caſtles of Naworth and Greyſtock; and, in Mary's name, he recommended the two rebel Engliſh lords to her friends in Scotland. In all probability, Dacres would have proceeded no farther, had it not been for the ſeverity of Sir George Bowes, who exerciſed, as marſhal of Elizabeth's army, great ſeverities upon all the rebels who fell into his hands, which, in a manner, obliged the others to remain in arms; and Dacres thereby ſaw himſelf at the head of three thouſand men. His headquarters were at Naworth, when the lord Hunſdon received orders from Elizabeth to attack him with eight hundred horſe, and a detachment of the garriſon of Berwick. Hunſdon perceiving himſelf ſo much inferior in numbers, made a feint of marching towards Carliſle; and this induced Dacres to divide his force and take poſſeſſion of a marſh, through which the river Gwelt ran, with fifteen hundred foot and ſix hundred horſe, who are ſaid to have been moſtly Scots. Notwithſtanding the advantageous ſituation of the rebels, they were ſo bravely attacked by the lord Hunſdon and Sir John Foſter, that they were entirely routed, and four hundred of them killed, Dacres himſelf flying to Scotland; but Elizabeth wiſely

A. D. 1570.

Suppreſſed.

A. D. 1570. countermanded the ſeverities that had been practiſed after the late rebellion.

Elizabeth excommunicated.

It is to be preſumed that Leſley was very active in thoſe public commotions, though only a general mention is made of them in a curious relation of his life, that was preſented to the pope and the king of Spain, and ſuppoſed to have been written by himſelf. From that performance, however, we learn that he was extremely active in ſerving his miſtreſs; and had great credit at the court of England, on account of the party he had formed among the foreign ambaſſadors and the Roman catholic peers. All the money raiſed for Mary and her friends, went through his hands. The earl of Weſtmoreland was allowed ſixty crowns a month for ſubſiſtence, the counteſs of Northumberland had as much, Dacres forty, and the other gentlemen in proportion. When England, by the defeat of thoſe rebellions, was recovering tranquility, pope Pius the fifth fulminated the declaratory ſentence againſt Elizabeth, by which ſhe was excommunicated; all her ſubjects were abſolved from their oath of allegiance, and every other duty they owed her; and all who obeyed her thenceforward were included in the ſame curſe. This proceeding of the haughty pontiff, ſerved only to encreaſe the ſeverities which Elizabeth inflicted upon Mary and her party. By Cecil's perſuaſions, ſhe advanced a conſiderable ſum to the French proteſtants; and reſolved

Burleigh's papers, p. 518.

ſolved to raiſe a body of light horſe, to be employed under the earl of Suſſex, in Scotland, for the ſupport of the regent, whom Elizabeth now favoured more than ever, for having impriſoned the earl of Northumberland. In proportion as Murray was elated by the magnificent promiſes of Elizabeth, Mary's friends were encouraged by the courts of France and Spain, who aſſured them that no time ſhould be loſt in ſending them ſuccours. They were favoured likewiſe by the growing tyranny of Murray, which rendered him exceſſively unpopular; and his love for adulation made him even contemptible in the ſight of his own creatures. Maitland preſſed eagerly for a trial, which the regent deferred on various pretences. The queen's party exclaimed againſt this injuſtice, and aſſembled in ſuch numbers, that the regent thought proper to retire to Stirling. In ſhort, a civil war was on the point of raging in Scotland with more fury than ever, when the regent fell a ſacrifice to the revenge of his enemies.

A. D. 1570.

State of affairs in Scotland,

While Mary's friends were in daily expectation of a landing, either in England or Scotland, in their favour, Hamilton of Bothwellhaugh, whom I have already mentioned, was watching every opportunity for aſſaſſinating the regent; and had been twice diſappointed, once at Glaſgow, and another time at Stirling, in perpetrating his purpoſe. According to the

where the regent is murdered.

A. D. 1570. beſt accounts we have, Hamilton's provocations were of the moſt aggravating kind. Being remarkably attached to his clan, it is ſaid he would have been hanged when a priſoner at the battle of Langſide, had he not made his eſcape. His eſtate however was forfeited; but his wife, who was the heireſs of Woodhouſelye, not thinking that his forfeiture could affect her birthright, was living upon her own eſtate, when the regent made a preſent of it to one of his favourites, Sir John Ballentine, and ſent his officers to take poſſeſſion of her houſe; which they not only did, but turned her naked out of doors in a cold dark night, and at day-break ſhe was found in the fields deprived of her ſenſes, which ſhe never recovered. This barbarity incenſed Hamilton ſo much, that he made no ſecret of his being determined to aſſaſſinate the regent wherever he met him; but ſo careleſs were Murray's friends of his ſafety, that he was ſuffered to go at large from place to place. It is even ſaid, that the regent had intelligence on the morning of the day in which he was aſſaſſinated, of Hamilton's being at Linlithgow for that purpoſe; but he diſregarded it ſo far, that he reſolved to ride publicly through the ſtreets of the town. Hamilton was then in a wooden gallery that fronted the high ſtreet of Linlithgow, and had taken all imaginable precautions not to be diſappointed of his aim. He accordingly ſhot the

the regent through the body as he was ſlowly paſſing by the gallery; and marching out at a back-door, he mounted his horſe, which was ready ſaddled, and was ſuffered to eſcape without any purſuit †. A. D. 1570.

Thus fell the regent earl of Murray, whoſe character has been variouſly repreſented, and was in itſelf inconſiſtent. His virtues may be ſaid to have been occaſional; but ambition ſeems to have been predominant in his nature. He was open, intrepid, and honeſt, before he was flattered with a proſpect of the regency; but no ſooner did that preſent itſelf to his view, than he ſuited all thoſe virtues to exigencies. His character.

† "He poſted himſelf in a wooden gallery that fronted the high-ſtreet of the town, through which he knew the regent muſt of neceſſity paſs, and where it was almoſt impoſſible he could miſs his aim. On the floor he placed a large feather-bed, that his feet might not be heard, when he walked to and fro; and oppoſite to the windows, on the inſide of the room, hung up ſome black cloaths to conceal his ſhadow. His next care was, to cut out an hole with his knife, a little below the lattice, and juſt enough to receive his fuſee. To compleat his ſecurity by the eaſineſs of his flight, he narrowly viewed the back-way into the houſe, where finding the gate too low for a man on horſeback, with the aſſiſtance of his ſervant he removed the lintel, and kept his horſe in the ſtable ready bridled and ſaddled. Having thus prepared all things, the regent, as if he had deſigned to meet death half-way, and oblige his murderer, mounts his horſe; and the ſtreet being narrow, and crowded with the common people, paſt very ſlowly by, or rather indeed ſtood ſtill, before the gallery, from whence the aſſaſſin, having marked for his belt, ſhot him through the body with a ſingle bullet, a little below the navel; and getting ſuddenly on horſeback, though cloſely purſued by ſome of the regent's company, eſcaped to Hamilton, and ſhortly afterwards from thence to France, where he lived ſome years." See Crawford's Memoirs, p. 124, 125.

Though

A. D. 1570. Though almoſt an enthuſiaſt in the proteſtant religion, yet, when he was his ſiſter's firſt miniſter, he ſhewed himſelf more inclined to the toleration of popery than the rigid Reformers approved of; and he even broke with them upon that head. His ingratitude to Mary, his barbarous unmanly treatment of her, and the infamous arts by which he wrought her deſtruction, can admit of no apology. He could ſtoop from that gallant candour which he generally affected, to ſerve a political view; and, tho' a profeſt advocate for the independency of his country, he was contented to hold his regency as viceroy to Elizabeth, or rather as the ſubſtitute of Cecil. The preferment and encouragement he gave to his tutor Buchanan, who proſtituted his elegant pen to the defence of his perſon and party, has ranked him, in hiſtory, among the patrons of learned men; but I cannot plainly perceive any other title he had to that character. He is praiſed with more juſtice for his liberality to his friends; but even that quality receives ſome alloy from the conſideration that he could not otherwiſe ſupport his party. It is plain from the alteration of his behaviour towards the end of his life, that a great deal of diſſimulation and affectation were mingled with his virtues (if he had any), and that they reſted upon no ſolid foundation. Even his accompliſhments as a ſtateſman are extremely queſtionable, when we reflect on the

ſway

ſway which Maitland and Morton bore over all his political conduct. His duplicity towards Elizabeth in the affair of Norfolk's marriage, had almoſt ruined him; and his whole behaviour in that affair was weak to the laſt degree, when he recovered Elizabeth's good graces, by his baſely ſacrificing to her his honour and gratitude. His true merit and ſtrength appear to have been the management of parties in Scotland, in which he was perfectly ſucceſsful by the great knowledge he had acquired of their diſpoſitions and intereſts. But I muſt now return to the unhappy Mary. A. D. 1570.

For ſome time before the regent's death, Elizabeth began to conſider Mary's detention in England as being inconſiſtent with her own ſafety; and ſhe actually entered into a treaty with the regent for delivering up her perſon to his cuſtody, upon condition of the earl of Northumberland and her other rebels being put into her hands. There is great reaſon to believe that Elizabeth would certainly have carried her deſign into execution, had not the biſhop of Roſs formed a ſtrong party among the foreign miniſters, and remonſtrated upon the infamy of the meaſure, which was the ſame as giving Mary up to certain death. It is however not at all improbable, that Murray would have carried his point, had not his death intervened. Mary thus remained ſtill at Coventry, and the duke of Norfolk a priſoner in the Tower, Treaty about Mary's perſon.

A. D. 1570. Tower, where he underwent ſeveral examinations; but he made no material diſcoveries. The regent, ſome time before his death, ſuſpecting that the biſhop of Roſs had thwarted his negociation with Elizabeth, ſent up to her a paper which he pretended to be the confeſſion of the earl of Northumberland, accuſing the biſhop of having fomented the two late rebellions in England. I am inclined to believe that this charge was not without foundation; and Elizabeth very properly conſulted civilians how far the biſhop was to be conſidered as the ambaſſador of a ſovereign prince, in which light he had hitherto appeared at her court; and whether he might not, by the law of nations, and the civil law, be puniſhed as a traitor, if it was found that he had procured an inſurrection or rebellion in the country where he reſided as ambaſſador. To this the civilians anſwered in the affirmative. Another interrogatory was, "Whether, if the prince be depoſed by the common authority of the realm, and another elected and inveſted of that crown, the ſollicitor or doer of his cauſes, and for his aid (although the other prince do ſuffer ſuch one to be in his realm) is to be accounted an ambaſſador, or to enjoy the privilege of an ambaſſador?" The anſwer of the civilians to this queſtion was, "To this we do think, that the ſolicitor of a prince lawfully depoſed, and another being inveſted in his place, cannot have the

The biſhop of Roſs denied the privilege of an ambaſſador.

Murden's State Papers, p. 18.

the privileges of an ambaſſador; for that none but princes, and ſuch others as have ſovereignty, may have ambaſſadors." A. D. 1570

Mary's application to buſineſs.

Thoſe and other queſtions of the like tendency being by the civilians anſwered to Elizabeth's ſatisfaction, ſhe reſolved to uſe very little ceremony towards the biſhop. He was therefore, on the 14th of May, committed to the cuſtody of the biſhop of Ely, and then carried to London, where that prelate took charge of him. His confinement, at firſt, was but ſlight; for he was permitted to preſent memorials, and exerciſe other functions of an ambaſſador. As to Mary, her condition at this time is pretty unaccountable; for notwithſtanding the ſtrict orders her jailors had received, we find her engaged in the moſt extenſive correſpondences and intrigues, and in forming machinations which endangered not only Elizabeth's crown, but the quiet of all Europe. We can account no otherwiſe for thoſe circumſtances, than by ſuppoſing that the ample remittances ſhe received from abroad had ſoftened, if not her principal jailors, thoſe who had the moſt immediate charge of her perſon. She even found means to correſpond with Norfolk, while he was a priſoner in the Tower, by ſending him letters corked up in ſtone and other bottles; and ſhe gave ſuch intelligence to her party in Scotland, as prevented the caſtle of Dumbarton from falling into the hands

A. D. 1570. of her enemies. Soon after one Verac, a French agent, arrived in Scotland with letters and money for the uſe of her party. It is ſaid, that when ſhe heard of the regent's death, ſhe expreſſed with tears her ſorrow for his being cut off before he had expiated his ſins towards her and his country.

Elizabeth ſends Randolph as her ambaſſador into Scotland.

Mary's friends in Scotland were now ſo much elated by the countenance they had received from abroad, that they were actually in arms upon the borders, where the Carrs and the Scots, under the barons of Farnihurſt and Buccleugh, made daily inroads into England, from whence they brought abundance of plunder. Though Elizabeth was greatly exaſperated at thoſe hoſtilities, yet ſhe was too politic to make the quarrel national; and under pretence of enabling the council of Scotland to reduce the robbers upon the borders, ſhe publiſhed a manifeſto, declaring that ſhe was reſolved to ſend a body of troops, under the earl of Suſſex, for that purpoſe; but with an "aſſurance of her intention of continuing in peace with the crown and quiet ſubjects of that realm." By this time, the earl of Lenox and his counteſs petitioned Elizabeth to take compaſſion upon the orphan king of Scotland, by affording him her protection, and giving orders for his being carried into England. Elizabeth would gladly have complied with their requeſt, had it been practicable; but ſhe did what

Strype's Annals, vol. i. p. 613.

what ſhe could. She diſpatched her truſty ſervant Randolph to manage parties in Scotland, which he did with great addreſs. He found the council ſitting there, and the earl of Morton its preſident; and being admitted to an audience, he repeated the ſubſtance of what he had in charge from Elizabeth, and which contained little more than was expreſſed in her manifeſto. A. D. 1570.

The council heard Randolph with great temper; but told him by the mouth of Morton, their preſident, that the uncertain ſtate of affairs did not admit of their coming immediately to any poſitive reſolution, eſpecially with regard to the borderers, or their giving up the perſon of the earl of Northumberland, the earl of Weſtmoreland being engaged at that time in carrying on hoſtilities on the borders againſt his own countrymen. Upon the whole it appeared, that the general ſenſe of the council was againſt making any terms with Elizabeth. This agreed exactly with her views; for ſhe had not only furniſhed Randolph with money to gratify her aſſured friends in Scotland, but ſhe inſtructed him to continue there as long as he had any proſpect of making diviſions in their council, in which he ſucceeded perfectly well; ſo that he did not inſiſt upon any peremptory anſwer for the preſent. In the mean time, Elizabeth had caſt her eyes upon the earl of Lenox, as the moſt proper perſon Succeſs of his embaſſy.

A.D. 1570. to be regent of Scotland; and he had been brought by the earl of Suſſex to Berwick, which was the place of rendezvous for the Engliſh army. Mary's friends, both in England and Scotland, conſidered this ſtep as having been ſuggeſted to Elizabeth by Morton, and the remains of Murray's party. To take from Elizabeth all pretext for invading Scotland, which they eaſily ſaw was in order to fix the earl of Lenox in the regency, the biſhop of Roſs and the French embaſſador undertook that proper redreſs ſhould be made according to the border laws, and that juſtice ſhould be done upon the offenders who had broken the peace between the two kingdoms. The Hamiltons and Mary's party in Scotland ſent their agent, one Gordon, to confirm this offer under their hands and ſeals; but he was arreſted at Berwick, and his inſtructions were ſent up to the council of England, where they were treated with great diſdain.

The Engliſh army under Suſſex ravages Scotland.

As the opinion of the public was in favour of the earl of Lenox being named to the regency, Mary's friends in Scotland, to avert that blow, if poſſible, ſent Sir James Melvil to Berwick to treat with the earl of Suſſex, and to perſuade him to lay aſide his intended invaſion of Scotland, till Elizabeth ſhould be fully informed as to the ſtate of public affairs in that kingdom. Suſſex, according to the inſtructions he had received from Elizabeth, gave

Melvil

Melvil a friendly reception, and ſpoke very favourably both of the duke of Norfolk, and Mary's right to the crown of England. Elizabeth had given the like inſtructions to Randolph, in order to make the breach between the Hamilton and Lenox families irreconcileable; but Throgmorton, who ſtill continued in confinement at his own houſe, found means to put Mary's friends in Scotland on their guard againſt all her arts. On the eighteenth of April, the Engliſh army under the earl of Suſſex was put in motion, and divided itſelf into two columns, with an intention to take a ſevere revenge upon Mary's friends on the borders. The firſt diviſion was commanded by the earl himſelf, the lord Hunſdon, and Drury marſhal of Berwick; and the other by Sir John Foſter, warden of the middle marches. The eſtates of Buccleugh and Farnihurſt were their chief objects. The earl of Suſſex entered Teviotdale, where he plundered and laid waſte the Buccleugh eſtate, while Sir John Foſter demoliſhed all the Farnihurſt caſtles and lands that lay on his march; and both diviſions joined together, at laſt, at Craling. After this junction was formed, they proceeded to Jedburgh, where they were amicably received by the Scotch warden of the middle marches; and before their return to Berwick, they had ravaged a vaſt compaſs of territory, and pretended that they had demoliſhed or plundered A.D. 1570.

above

A. D. 1570. above fifty caſtles, and three hundred towns and villages. As thoſe caſtles and towns were many of them very inconſiderable, it is needleſs to enter into the particulars of this inroad; but it certainly made a conſiderable impreſſion upon Mary's party.

A meeting of the king's party at Edinburgh.

The earl of Morton was not very forward either in oppoſing or favouring this invaſion of the Engliſh, becauſe he himſelf ſecretly aſpired to the regency; but he ſummoned a convention of the ſtates to meet at Edinburgh on the twelfth of February to chuſe a regent. The earl of Argyle, the lords Boyd, Fleming, and Levingſton, and other heads of Mary's party, aſſembled themſelves at Hamilton, and, for very obvious reaſons, objected to the ſhortneſs of the time for the members to repair to the capital from the extreme parts of the kingdom, and at ſuch a ſeaſon of the year. They therefore required Morton to defer the meeting; and in caſe of refuſal, they threatened to treat him and his friends as traitors, and enemies to the public peace. The king's party, (for ſo Morton and his friends were now named) without paying any regard to this threatening remonſtrance, aſſembled on the day appointed at Edinburgh, where they publiſhed a very remarkable proclamation, importing, "That the regent being killed by one, who, after the bloody deed, had fled to Hamilton, and was there kindly received and har-

harboured for ſome time; therefore they commanded all the king's good ſubjects to approve themſelves enemies to ſuch as had protected him, and were at preſent aſſembled in that town. Certifying thoſe who acted in the contrary, that they ſhould be reputed guilty of the fact, and treated as ſuch with the utmoſt ſeverity." A. D. 1570.

Maitland ſolemnly acquitted.

Notwithſtanding all thoſe appearances of reſolution, Morton and his friends found themſelves too weak to make him regent; but formed a plan for a coalition of parties, in which Kirkaldy and Maitland were included. The former was in poſſeſſion of Edinburgh-caſtle, and declared himſelf highly in Mary's favour, while the abilities of the latter was to give a ſanction to the cauſe. They therefore drew up a certificate in the following curious terms, which I inſert as a proof of the party's conſiſtency. "We underſubſcribers convened at Edinburgh, on the fourteenth day of February 1569, do with one voice declare and teſtify, that none of us know that ſecretary Lethington is culpable of the late king's murder; and ſeeing no perſon whatſoever compears to accuſe him of the ſame, we muſt eſteem him to be innocently calumniate in time paſt in the ſaid matter, tending to the prejudice of the king's eſtate, and his true ſubjects; and therefore acknowledge and recognize him as an honeſt man, innocent of the ſaid matters whereof

A. D. 1570. whereof heretofore he was wrongfully accuſed, accepting and receiving him in his own place again. Like as we acknowledge him to have been a good and profitable inſtrument in this commonweal, in divers great cauſes, for the furthering of God's glory, and the repoſe and quietneſs of this his native country." This certificate was ſigned, "Athol, Morton, Caſſils, Mar, Glencairn, Montroſe, Buchan, Ruthven, Glamis, Lovat, Ochiltree, Methven, Lindſay, Cathcart, Adam biſhop of Orkney, the abbots of Dumfermling, Cambuſkenneth, Drybrugh, Balmerino, Pittenweem, Murray of Tullibardine the comptroller, and the juſtice-clerk."

Proceedings of both parties.

Maitland was at the ſame time reſtored to his place of ſecretary of ſtate; and being ſet at liberty, as were the duke of Chatleheraut and lord Herries, by Kirkaldy, it was generally thought that the queen's party was now an overmatch for that of the king. Maitland was now conſidered as the firſt miniſter in Scotland; but, as uſual, it was difficult for the public to determine to what ſide he would adhere. That he was in his heart a friend to Mary, cannot be doubted; but he, as well as Kirkaldy, thought that a way might be found to bind up the wounds of the nation, by reconciling the two parties to each other. Their ſecret views, therefore, were to gain time, by amuſing the public with plans of accommodation.

dation. Many meetings were held, in which Maitland renewed the ſcheme of a coalition he had formerly propoſed, for joining the queen in the government with her ſon, and, at the ſame time, governing by a regency, which he ſaid ought to conſiſt of the ableſt heads of both parties, and to be choſen unanimouſly, if poſſible, by the convention of the eſtates. Morton, who acted as the leader of the king's party, was cautious of openly oppoſing Maitland's plan, becauſe he was, as yet, doubtful in what manner Elizabeth would act; but, upon the whole, neither party ſeemed fond of an accommodation; and all that Maitland could effect was to bring them to agree that a convention of the ſtates ſhould be ſummoned to meet the firſt of May. Thus the aſſembly broke up for this time without coming to any other agreement. A. D. 1570.

The intermediate time was employed on both ſides in ſuch a manner as gave an unfavourable proſpect of the future convention. The moſt violent of the queen's party omitted nothing that could provoke Elizabeth to an open rupture with Scotland, in hopes of making the quarrel national; but this, as we have already ſeen, ſhe avoided by a cautious, yet vigorous, conduct. The duke of Chatleheraut had ſolemnly diſclaimed all foreknowledge of the late regent's murder; and the plan which the queen's party now chalked out, carried Mary's friends take poſſeſſion of Edinburgh.

A. D. 1570. with it great appearance of ſucceſs. They reſolved to avail themſelves of Kirkaldy's friendſhip, he being provoſt of Edinburgh, as well as governor of its caſtle; and in the mean time to publiſh to all the world their zeal for their country and the proteſtant religion, with an unalterable reſolution to bring the murderers of Darnley to puniſhment. They accordingly aſſembled at Linlithgow, from whence they proceeded to Edinburgh, where the chiefs of the party, excepting thoſe who were ſtrongly ſuſpected of the late regent's murder, were admitted, and lodged themſelves under the cannon of the caſtle; but liberty was, at the ſame time, granted for a like admiſſion of the king's party. The loyaliſts (for ſo the queen's friends were called) publiſhed a proclamation in the terms I have juſt mentioned, full of moderation and patriotiſm, and breathing the moſt earneſt deſire to ſee the public tranquillity reſtored. This made no impreſſion upon Morton and his friends, who were cantoned near his houſe at Dalkeith; nor could they be perſuaded by the earl of Athol to truſt themſelves within the metropolis, though the inhabitants, who adored the memory of the late regent, were well affected to their cauſe.

A new negotiation begun.

Maitland, who had many reaſons to wiſh for an end of the public anarchy that had prevailed, perſuaded the queen's friends to give a meeting to Morton and his party at Dalkeith, by their

their deputies. This propoſal was accepted of; A. D. 1570.
but Morton by this time was no ſtranger to Elizabeth's ſentiments, and inſiſted, as a preliminary to any negociation, that the king's authority ſhould be recognized. The queen's deputies, with equal obſtinacy, inſiſted that the reſtoration of Mary to the throne of her anceſtors, ſhould be propoſed in the approaching convention; and "that, in the mean time, a lieutenant, or viceroy, ſhould be elected after the ſame manner, to govern the kingdom in her abſence; and to maintain whoſe expence, one half of what accrued to the crown, by property or otherwiſe, ſhould be chearfully given; and the other half to the queen, till her reſtoration could be accompliſhed." Thoſe conditions were at firſt utterly rejected by Morton and his party; but next day they required farther time for coming to an abſolute determination. Upon the return of the queen's deputies to Edinburgh with this anſwer, her party would have proceeded directly to hoſtilities; but the progreſs of the Engliſh army under Suſſex was ſuch, as determined them to leave Edinburgh, and to retire again to Linlithgow, after ordering Kirkaldy to put his caſtle in a poſture of defence.

Hoſtilities of the Engliſh army on the borders.

By this time the Engliſh army recommenced its hoſtilities upon the borders; and the lord Scroop, who was Elizabeth's warden of the weſt marches, had over-run Annandale, and advanced

A. D. 1570. as far as Dumfries. On the twenty-ſixth of April, the earl of Suſſex beſieged and took the caſtle of Hume, that lord having declared for Mary; and falling ſick at Berwick, his command devolved upon Sir William Drury, who reduced all the remaining places in that country which were held by Mary's friends. Elizabeth, notwithſtanding the ſucceſs of her arms in Scotland, proceeded with the utmoſt caution, though ſhe had the advancement of the earl of Lenox to that dignity greatly at heart. She knew the impetuous diſpoſition of Charles the ninth of France, who was ſo paſſionate an admirer of Mary's beauty, that Brantome, a contemporary hiſtorian, tells us, that he never beheld her picture without betraying the moſt tender emotions. He had, ever ſince he took the government into his own hands, profeſſed himſelf to be the champion of her cauſe; and by his late accommodation with his Hugonot ſubjects, he was now in a condition to perform all the magnificent promiſes he had made to Mary's friends in Scotland. To thoſe conſiderations may be added his bloody devotion to the Roman catholic religion; his indignation at ſeeing a queen dowager of France held in chains by a proteſtant princeſs; and the engagements which his mother had impoſed upon him to exterminate, in conjunction with the court of Spain, the proteſtant religion in Europe. Elizabeth was, at the ſame time, obliged to manage the

Elizabeth's danger from abroad.

the Scotch nobility, many of whom, though well diſpoſed to the young king, might have united againſt her, if ſhe had impoſed the earl of Lenox as regent, upon the convention, with a high hand, which was in her power to have done. A. D. 1570.

The bold publication of the pope's bull of excommunication, ſeems firſt to have determined Elizabeth for deciſive meaſures, in advancing the earl of Lenox to the regency of Scotland. She conſidered that execrable paper as the warning-piece of her danger from all the popiſh powers on the continent; and ſhe thought ſhe could truſt the earl of Lenox (who was now almoſt a naturalized Engliſhman) for heading her party in Scotland, which ſhe apprehended would be the ſcene of all her future diſquiet. Such, with ſome others, were the conſiderations that induced Elizabeth, during the indiſpoſition of Suſſex, to order Drury to march into Scotland, with twelve hundred foot and four hundred horſe. Mary's friends endeavoured to avert this blow; but Suſſex, intercepting and breaking up their letters to Elizabeth, declared that they only meant to gain time; and ordered Drury to proceed. The time was now come for the meeting of the convention; and the king's lords accordingly aſſembled at Edinburgh, while the oppoſite party remained at Linlithgow; but were invited to aſſiſt at the convention, provided they would

Diviſions among the parties in Scotland.

May 1.

A.D. 1570. would acknowledge the king's authority, and join in profecuting the murderers of the king and the late regent. The anfwer to this invitation was, that they (the queen's lords) neither knew, nor would acknowledge any fovereign authority but that of Mary, who had appointed the earls of Arran, Argyle, and Huntley, to be her lieutenants in Scotland; and that till fhe was reftored, they would obey them only. In the mean time, they proclaimed the commiffions of lieutenancy, under the queen's authority.

Mifery of the kingdom.

The reader may eafily conceive, that Scotland was then in a condition of anarchy and mifery, not to be defcribed. Every man was his own maſter. He knew no law to reſtrain him from bloodſhed and robbery, nor could the injured apply to any court of juſtice for relief. Both parties repreſented this diſmal ſituation of their country to Elizabeth; but ſhe had now brought it to the very paſs ſhe deſired. Morton and his party, to quicken the motions of Drury, repreſented themſelves and their cauſe as on the brink of ruin; and ſent Pitcairn, abbot of Dumfermling, to renew the negociations for delivering Mary into their hands; but this project broke off, by Elizabeth's pretending that Pitcarin was not authorized to give ſecurities for Mary's ſafety in Scotland. During this tranſaction, Mary's lords received a conſiderable reinforcement of arms, ammunition, and money, from the duke of Alva; and freſh

aſſurances

assurances from the court of France. This determined the earl of Sussex to put Drury's army into motion, but not till the earls of Morton, Mar, and Glencairn, with the lords Lindsay and Ruthven, had given hostages for their performing whatever should be entered into between Elizabeth and Pitcairn. A. D. 1570.

Nothing could be more dreadful to Maitland and Kirkaldy (who had hitherto affected to act in a kind of neutral capacity) than the march of the English army into Scotland, which began on the eleventh of May, attended by the earl of Lenox, and four field-pieces. They considered Mary's cause as desperate, if they should keep up the distinction of the king's and queen's lords; and therefore resolved to join the latter, as being the most probable measure for serving her; but the rest of her party, intoxicated with the promises they had received from abroad, rendered this proposal ineffectual. They had been encouraged to it by the result of a conversation which Melvil had with the earl of Lenox, at Berwick, in which the latter professed a violent friendship for the duke of Norfolk, and all his friends in Scotland: they therefore reasonably thought, that by uniting both parties under the earl's regency, they had the best chance for obtaining tolerable terms for Mary. Conduct of Maitland and Kirkaldy.

They had no time for deliberation. Drury upon his entering Scotland was joined by a thou- Progress of the English army in Scotland.

A. D. 1570. thouſand of the young king's party, and advanced towards Edinburgh. The queen's lords attempted to take the caſtle of Glaſgow, but they failed through the gallant defence made by ſome friends of the Lenox family; after which diſappointment, the duke of Chatleheraut retired weſtward with the earl of Argyle, as did the earl of Huntley northward. The king's party being thus maſters of the field, deſtroyed the caſtle and palace of Hamilton, with all the eſtates of his adherents in Clydeſdale, as they did the eſtates of the lords Fleming and Levingſton; but Drury was diſappointed in a deſign he had formed againſt Dunbarton caſtle. That fort had been pitched upon as the landing-place of the foreign ſuccours that were to be ſent to Mary's aſſiſtance; and the archbiſhop of St. Andrew's had retired thither, to avoid the fury of his enemies. It was thus of the utmoſt importance for Elizabeth's ſervice, that the place ſhould be put into her poſſeſſion; and Drury, not being provided with artillery for beſieging it, invited the lord Fleming, its governor, to a parley, after viewing the fortreſs with a party of light horſe. Fleming did not decline the interview; but Drury was ſtruck with a panic, and pretended that he had been fired at from the caſtle. This was afterwards magnified into a charge of treachery againſt Fleming; but how improbable that was, appears from Drury's renewing his application for an interview, which Fleming,

Fleming, by the advice of the archbiſhop of St. Andrews, declined, as he had no horſe, and Drury was attended by horſe only: upon this Sir George Cary, one of Drury's friends, ſent Fleming a challenge to fight him, which Fleming treated with a becoming diſdain, by calling it "a brainleſs letter," and informing the meſſenger, that he did not think himſelf at liberty to hazard his perſon, conſidering the important truſt he held from his miſtreſs. In the return of the Engliſh army from Edinburgh, they had orders to diſcontinue all their ravages, the merit of which lenity Morton arrogated to himſelf; but we are told that ſome houſes were actually razed; and we know that by the third of June, Drury returned with his detachment to Berwick, where Morton relieved his hoſtages. We are to look for the ſprings of this moderate conduct in England. A. D. 1570. It is recalled.

It is needleſs to repeat any mention of the alarms which Elizabeth every day continued to receive, both from abroad and at home, on account of Mary's treatment. To ſooth the court of France, ſhe intimated that ſhe was willing to accept of the duke of Anjou's addreſſes; a courtſhip which had been mentioned by the queen-mother of France. She treated the French ambaſſador with particular regard, in all his applications which he made for Mary, in conjunction with Leſley, whom ſhe had freed from his reſtraint. She had ſent orders Elizabeth relents towards Mary,

A. D. 1570. to the earl of Shrewſbury, to ſhew Mary ſome indulgences; and, if poſſible, to prevail upon her to ſend a private letter, which was to be ſeen by Elizabeth only, declaring all ſhe knew of the ſteps that were taking for her liberty. Mary, deplorable and deſtitute as her ſituation was, rejected this propoſal with great firmneſs; but offered, if Elizabeth would reſtore her to liberty, to agree to any reaſonable terms ſhe ſhould propoſe, and to continue her ſincere and faithful friend to her laſt breath. She renewed, in the moſt earneſt manner, her requeſt of being introduced to Elizabeth's preſence, though in a cloſe coach, and without any ſtate, having matters to communicate to her, which ſhe would not reveal to any other perſon; but ſhe declined writing, becauſe ſhe knew that her letters were liable to doubts and ſuſpicion, and obtained no credit with Elizabeth. The report of this converſation, with the repeated ſolicitations of Leſley and the French ambaſſador that ſhe would recal her army out of Scotland, made ſo conſiderable an impreſſion upon Elizabeth, that ſhe agreed to the recall, which was carried into execution as we have already ſeen, and to the following articles as the baſis for Mary's deliverance.

Letter from Shrewſbury to Cecil.

who has a proſpect of deliverance.

"That the queen of England inſtantly withdrawing her forces from Scotland, a general ceſſation of arms ſhall follow for certain months. That the Engliſh refugees in Scotland,

land ſhall either forthwith be driven from Scotland, or be ſecured there, in order to be delivered to the queen of England, when the treaty is concluded. That the king of France ſhall ſend no ſoldiers to Scotland; and in caſe any arrive during the treaty, they ſhall inſtantly be ſent back again. That commiſſioners ſhall be ſent to England, for the queen of Scots and the nobles of her party, queen Elizabeth cauſing others to be ſent for the other party, to treat upon the reſtoration of queen Mary, the compoſing all differences between her ſubjects, and the ſatisfying the Engliſh queen with reſpect to her crown. And laſtly, that no invaſion ſhall be made on the ſtate and government (the words of the original) of Scotland, during the treaty." A. D. 1570.

Artful conduct of Elizabeth.

Leſley, who in the hiſtory of his negotiations, gives an account of thoſe articles, ſays they were the beſt that could be obtained for Mary at the time, on account of the difficulties in which her friends on the continent were involved within their own dominions. The abbot of Dumfermling did all he could to render ineffectual the articles that had been agreed on, but with very little ſucceſs; and Elizabeth even intimated that ſhe was free from her promiſe of not reſtoring Mary, becauſe the earl of Murray had failed in proving her guilt. The king's lords in Scotland were under inexpreſſible conſternation, when they received intelligence of the

A. D. 1570. articles to which Elizabeth had agreed with Mary. They were ſuch, in fact, as left them without a head, while their adverſaries had a ready recourſe to Mary's authority, and that of her lieutenants. Elizabeth ſeems to have been ſomewhat ſenſible of this, eſpecially after ſhe underſtood that the earl of Weſtmoreland and Dacres had been ſuffered to eſcape to the continent, and the earl of Lenox had been declared lieutenant of the kingdom, till the eleventh of July, when the lords of the party were to meet for the choice of a regent. They paid Elizabeth the compliment to conſult her upon that head; to which ſhe returned a moſt artful anſwer. She recommended the earl of Lenox to be regent, becauſe he was the moſt natural guardian of his grandſon, the young king's perſon. She aſſured them of her friendſhip; that ſhe meant no alteration in the form of their government, under their king's authority; and deſired them not to be alarmed at any reports that had been ſpread concerning her accommodation with Mary, from whom, ſhe ſaid, ſhe expected further evidences of her innocency.

This letter was preſented to the aſſembly of the king's lords by Randolph, who enforced it with a laboured ſpeech, in conſequence of which Lenox was declared regent on the twelfth of July. Though many of his friends had previouſly warned him of the danger attending this high ſtation, yet he entered upon it with great alacrity. Beſides his perſonal ambition,

The earl of Lenox choſen regent.

bition, and deſire of revenge for the murder of his ſon, he held the intereſts of the Lenox and Hamilton families to be incompatible; and therefore he demanded the aſſiſtance of ſome troops from the earl of Suſſex, and a few pieces of artillery from Kirkaldy, to prevent the convention of the queen's party at Linlithgow. Though he was diſappointed in both his requeſts, yet he took poſſeſſion of that town with five hundred horſe, and effectually prevented the meeting. Crawford tells us that the lord Claud Hamilton, with a party of his friends, lay in wait for the regent at Callendarwood; but perceiving he was diſcovered, he withdrew his men to Hamilton, upon which the regent took poſſeſſion of Linlithgow. Mary's friends, notwithſtanding their diſappointment, were very active in the other parts of Scotland. The earl of Huntley was ſtill in arms; and beſieging Aberbrothwick, which had fallen into the hands of the queen's enemies, while her friends, the earl of Crawford, the lord Ogilvie, and Sir James Balfour, were fortifying Brechin. Lenox, deſirous to ſignalize the commencement of his adminiſtration, detached the earl of Morton with a party of light horſe to relieve Aberbrothwick, or reduce Brechin. Morton thinking his force too ſlender, was reinforced at Perth with a conſiderable body of foot, and ſet out upon a forced march to ſurprize Mary's friends in Brechin. A. D. 1570.

A. D. 1570. Brechin. His approach being diſcovered, their chiefs retired towards Montroſe; but left two of their officers (Cowts and Wemys) with ſeventy-five men to make good the paſs of Brechin, and to ſtop Morton's purſuit. According to Crawford, thoſe two officers behaved ſo bravely, that Morton having loſt ſome men in his firſt attack, durſt not make a ſecond, till he was joined by the regent. The match was then ſo unequal, that the two officers ſurrendered at diſcretion; and Cowts, with the ſeventy-five men *, were immediately hanged, by the inſtigation of the earl of Morton. Wemys being rich, bought off his life. After this unmanly action, which rendered Lenox's regency very unpopular in the north, he reduced the caſtle of Down in his return.

His impolitic ſeverity.

Inſolence of the preachers.

It was obſerved by the public with ſome diſſatisfaction, that the regent, who was conſidered as a thorough Engliſhman, was now as much under the direction of Morton, as his predeceſſor had been; while Sadler openly boaſted that there was no other government in Scotland than that of his miſtreſs. The aſſembly of the church was then ſitting at Edinburgh; and a commiſſion was given to two of the members, Mr. David Lindſay and Mr. Andrew Hay, to treat with the duke of Chatleheraut, the earls of Argyle, Eglington, and

* Spotſwood mentions only thirty.

Caſſils,

Caſſils, the lord Boyd, and other barons and gentlemen of the weſt parts, for reducing them to the obedience of the king and his authority, or rather to that of the regent and Morton. A like deputation was ſent to the earl of Crawford and lord Ogilvie; and the deputies had power to threaten all thoſe noblemen with excommunication, in caſe they did not comply *. We know of no effect which this inſolent deputation had; but a parliament was indicted to be held at Edinburgh on the tenth of October following. A.D. 1570.

The negotiation for Mary's liberty was ſtill going on in England, though it received ſeveral rubs from the ill-judged conſpiracies of ſome violent Roman catholics in Norfolk, who were diſcovered and executed. Fortunately for Mary, ſhe was found to have no connection with their treaſons; and though they were of a very high and dangerous nature, they ſerved A truce concluded.

* The good archbiſhop Spotſwood, like too many well-meaning clergymen, is a little inconſiſtent with himſelf in relating this negotiation. He makes a kind of an encomium upon the members for their forbearing, at the admonition of the temporal power, all deciſion in civil matters, which ought to be tried by the king and council; and in the very ſame paragraph he gives us a detail of this very extraordinary deputation. The good prelate ſeems himſelf to have been aware of this inconſiſtency; for he ſays, he does "not think that the excommunication was really intended, conſidering the quality and number of the perſons." I am afraid, that when this apology is duly conſidered, it renders the abſurdity and inſolence of the aſſembly's proceedings ſtill more aggravating, and more ſimilar to the moſt inexcuſable exerciſes of the papal power.

only

A.D. 1570. only the more to convince Elizabeth of the danger ſhe underwent by continuing Mary's impriſonment. She gave orders for the earl of Suſſex to interpoſe her authority, "That the regent ſhould oblige himſelf and his partakers to ceaſe from arms, and not to moleſt any that pretended obedience to the king's mother, during the ſpace of two months, which ſhould be underſtood to begin the third day of September, providing that no innovation ſhould be made in the government, and all things continue in the ſame eſtate wherein they were at the death of the late regent: as alſo that the ordinary adminiſtration of the law and juſtice in parliament, ſeſſion, and other courts, with the puniſhment of thieves and treſpaſſers, might proceed in the mean time by law, or force, in the king's name, and under his authority, without any oppoſition."

Spotſwood. The regent and the king's party made ſtrong objections to this truce, and repreſented it to Elizabeth as tending to the abſolute ruin of the young king and his authority; but they were

Dated Octo. 7. anſwered by another peremptory letter from Elizabeth, ſignifying "That ſhe had appointed Sir William Cecil, her principal ſecretary, and Sir Walter Mildmay, chancellor of the exchequer, to repair to the queen of Scots, and learn what offers ſhe would make for her ma-

A negociation for Mary's liberty. jeſty's ſecurity, and the not diſturbing the realms, if ſhe ſhould be put to liberty. In which treaty

ſhe

ſhe minded not to neglect the ſurety of the young king, and the eſtate of the nobility adhering to him; whereof ſhe would be no leſs careful, than of what concerned herſelf moſt. But in regard that treaty could take no good effect, if the regent and the nobility on his ſide ſhould do any thing to the prejudice of the queen of Scots and her party, ſhe deſired that no parliament ſhould be kept during the time of the treaty; or if it had taken beginning before the receipt of the letter, that nothing ſhould paſs therein which might give her cauſe to complain. And for the abſtinence taken unto the third of November, ſeeing there was no likelihood the treaty ſhould take an end in ſo ſhort a time, he was farther deſired to prorogue the ſame for other two months." A. D. 1570.

No ſooner was the Norfolk conſpiracy ſuppreſſed by Elizabeth and her miniſters, than another broke out in Derbyſhire. The heads of it were Thomas and Edward Stanley, ſons of the earl of Derby, and three gentlemen of the names of Gerrard, Rolſton, and Hall; and their intention was to have freed Mary, who had been removed to Chatſworth in that county. It is uncertain whether the earl of Derby himſelf knew any thing of their deſign; but he was ſuſpected by the earl of Huntington, who adviſed Cecil to plant a ſpy in his family. The conſpirators having acceſs to Mary, propoſed to ſet her at liberty, provided they were ſupported

New conſpiracy againſt Elibeth.

A.D 1570. by a foreign force, while they were raiſing their friends in England. They likewiſe offered to deliver the duke of Norfolk, and to protect both Mary and him in England after their marriage was conſummated. Though the execution of this conſpiracy was by no means impracticable, yet the delicacy of Mary, after Elizabeth's offers and indulgences, was ſuch, that ſhe gave the conſpirators no other encouragement than by referring them to the biſhop of Roſs, who diſcouraged the ſcheme *. The matter might have reſted there, had not Rolſton admitted his ſon, who was one of Elizabeth's gentlemen-penſioners, into the ſecret; and he diſcovered it to the miniſtry; upon which, all the conſpirators, excepting Hall, who made his eſcape, were ſeized and impriſoned.

The negociation reſumed, and particulars of the ſame.

Elizabeth, upon enquiry, perceiving that this conſpiracy had neither taken its riſe from, nor been encouraged by, Mary or her miniſter, no ſooner returned from a progreſs ſhe was making, than ſhe ordered Sir William Cecil and Sir Walter Mildmay to repair to Chatſworth, and to prepare every thing for her putting the laſt hand to Mary's deliverance. We have a moſt authentic account in the Cecil Papers of this negociation, which even Cam-

* It appears, however, by the State Papers publiſhed by Mr. Murden, that the biſhop of Roſs knew more of this conſpiracy than he thought proper to own at this time; but this hiſtory would ſwell to an enormous ſize, were I to take notice of particulars.

den had never ſeen; and his ignorance has led him into ſeveral miſtakes on that head. The whole is ſigned by Mary and the two Engliſh commiſſioners, who brought them ready drawn up *. A. D. 1570.

By the firſt article "a league of amity between the two queens was propoſed; and that Mary ſhould confirm all that had been done by her ſon's miniſters, for ſtrengthening the good underſtanding between the two crowns."—Mary agreed to this article in ſubſtance, but demurred a little as to acknowledging her ſon's authority.

Secondly, "To rectify the treaty of Edinburgh in 1560, but without prejudice to Mary's ſucceſſion to the crown of England, in caſe of Elizabeth's demiſe without ANY iſſue."— Mary agreed to this article, but ſubſtituted the word LAWFUL for ANY.

Thirdly, "That Mary ſhall enter into no engagements prejudicial to England with foreign powers, nor ſuffer her ſubjects to ſerve either by ſea or land againſt the Engliſh; that in caſe England is unjuſtly attacked, ſhe ſhall furniſh Elizabeth with troops and ſhips: while Elizabeth ſtipulates the ſame with regard to Scotland, each

* This negociation was publiſhed by Leſley; but though he was a party concerned, his copy is full of many miſtakes, and ſome articles of great moment are omitted. As it is a paper of importance, but very tedious in the original, I here preſent the reader with an abridgment of it, as far as is conſiſtent with perſpicuity.

A. D. 1570. paying for the ſuccours ſhe ſhall receive."—This article, after ſeveral immaterial alterations, is agreed to by Mary.

Fourthly, * "That all foreign troops ſhall be ſent out of Scotland in a month after ſigning the treaty, and none be ſuffered to repair thither."—To this article Mary agrees without any alteration.

Fifthly, "That Mary ſhall hold no correſpondence with any Engliſh ſubject, without acquainting Elizabeth with the ſame."—Mary wanted much to have qualified this tyrannical article, by promiſing to hold no ſuch correſpondence to Elizabeth's prejudice; but the Engliſh commiſſioners prevailed to have the article accorded as it originally ſtood.

Sixthly, "That the earl of Northumberland and all the Engliſh rebels in Scotland be delivered up to Elizabeth."—Mary could not be prevailed with to agree to this article, as being ungenerous and diſhonourable. But ſhe became an interceſſor with Elizabeth for their pardon; and if that could not be obtained, ſhe offered to ſend them, in a certain time, out of her dominions. The Engliſh commiſſioners, on the other hand, inſiſted upon the article ſtanding in its original form; nor do I find that Mary ever agreed to it, becauſe I perceive ſhe

* This and the following article are omitted by Leſley in his abſtract of this negociation.

objects

objects to it in her reply made to their emenda- A. D. 1570.
tions of her anſwer.

Seventhly, "That Mary ſhall order redreſs for the diſorders committed by her ſubjects on the marches."—Mary, in anſwer to this, offered to refer every thing to commiſſioners on both parts; and to this the Engliſh miniſters agree.

Eighthly, "That the murderers of Darnley and Murray ſhould be puniſhed."—To this article Mary very ſagaciouſly added, "according to the laws of Scotland;" nor do I perceive any objections made by the Engliſh miniſters.

Ninthly, "By this article, which is the moſt material of the whole, Elizabeth required, that for the ſafety of the young king's perſon, as well as that he may be a hoſtage for his mother, he ſhould, before ſhe was ſet at liberty, be brought into England, and live there under ſuch noblemen and gentlemen of Scotland, as ſhall be nominated by the earl of Lenox, his grandfather, or the earl of Mar, his governor; and to remain there as long as Elizabeth, who was to treat him as her neareſt kinſman, ſhould pleaſe. His mother had power to ſend meſſengers to viſit him; and he was to return to Scotland, and be eſtabliſhed in his kingdom there, as ſoon as his mother ſhould die, or reſign to him the government of her kingdom."—Mary offered to ſend her ſon to England, provided one of his tutors was nominated by

A. D. 1570. by herſelf, and the others by Elizabeth, with the earls of Lenox and Mar, and ſhe herſelf permitted to ſee him once or thrice a year; and he was to remain there till he ſhould arrive at the age of fifteen, and longer, if ſhe (Mary) thought proper. But ſhe was in hopes, that ſince his revenues, as prince of Scotland, were too ſlender for defraying the expence of a princely education and maintenance, that Elizabeth would bear part of the charges.

The Engliſh commiſſioners diſallowed of Mary's viſiting her ſon, and of Elizabeth paying any part of his expences. Mary, therefore, waved both requeſts; but ſhe ſaid the former was founded on the affection every mother ought to have for her child, and the latter on reaſon, becauſe ſhe could maintain the prince much cheaper in Scotland than in England.

By the tenth and laſt article, "Mary was to oblige herſelf not to enter into communication of marriage, or to conclude any marriage for herſelf, with any of the queen of England's ſubjects, without Elizabeth's conſent; nor with any other perſon, without the conſent of Elizabeth, or of the greater part of the nobility of Scotland."—Mary agreed to this article without any alteration.

The two Engliſh commiſſioners next proceeded to the manner in which Mary was to be bound to perform the above articles. They demanded that ſix hoſtages, three of them earls, and

and three lords of parliament, ſhould be ſent into England as ſureties for three years, but exchangeable by others of equal quality. Mary, after ſome very reaſonable objections, agreed to this article, provided that the duke of Chatleheraut, the earls of Argyle, Huntley, and Athol, the lords Fleming and Seaton, and her wardens of the borders, were not of the number; becauſe ſhe ſaid they were the only perſons in all Scotland on whom ſhe could rely for her ſafety. This exception of perſons was diſallowed of by the Engliſh commiſſioners. A.D. 1570.

The next demand was of ſo extraordinary a nature, and is ſo fully expreſſive of Elizabeth's jealous and tyrannical diſpoſition, that it deſerves to be fully mentioned. It imported, that Mary ſhould "be diveſted of all title to the Engliſh crown, if ſhe did aught in prejudice to Elizabeth's right or intereſt therein; or ſhould aſſiſt any others in the like attempt, or harbour any Engliſh rebels. Farther, in ſuch an event, Elizabeth was to be at liberty to diſpoſſeſs Mary of her crown, in favour of the prince her ſon." Mary had no objection to this article; but ſhe required, that ſhe might, in caſe of any ſuch attempt by her, have a formal denunciation and admonition from England. The Engliſh commiſſioners moſt tyrannically rejected this juſt requeſt; upon which Mary put in the following unanſwerable rejoinder: "In conſideration that the queen's majeſty of Scotland doth

ſubmit

A. D. 1570. by herſelf, and the others by Elizabeth, with the earls of Lenox and Mar, and ſhe herſelf permitted to ſee him once or thrice a year; and he was to remain there till he ſhould arrive at the age of fifteen, and longer, if ſhe (Mary) thought proper. But ſhe was in hopes, that ſince his revenues, as prince of Scotland, were too ſlender for defraying the expence of a princely education and maintenance, that Elizabeth would bear part of the charges.

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The two Engliſh commiſſioners next proceeded to the manner in which Mary was to be bound to perform the above articles. They demanded that ſix hoſtages, three of them earls,

and

and three lords of parliament, ſhould be ſent into England as ſureties for three years, but exchangeable by others of equal quality. Mary, after ſome very reaſonable objections, agreed to this article, provided that the duke of Chatleheraut, the earls of Argyle, Huntley, and Athol, the lords Fleming and Seaton, and her wardens of the borders, were not of the number; becauſe ſhe ſaid they were the only perſons in all Scotland on whom ſhe could rely for her ſafety. This exception of perſons was diſallowed of by the Engliſh commiſſioners. A. D. 1570.

The next demand was of ſo extraordinary a nature, and is ſo fully expreſſive of Elizabeth's jealous and tyrannical diſpoſition, that it deſerves to be fully mentioned. It imported, that Mary ſhould "be diveſted of all title to the Engliſh crown, if ſhe did aught in prejudice to Elizabeth's right or intereſt therein; or ſhould aſſiſt any others in the like attempt, or harbour any Engliſh rebels. Farther, in ſuch an event, Elizabeth was to be at liberty to diſpoſſeſs Mary of her crown, in favour of the prince her ſon." Mary had no objection to this article; but ſhe required, that ſhe might, in caſe of any ſuch attempt by her, have a formal denunciation and admonition from England. The Engliſh commiſſioners moſt tyrannically rejected this juſt requeſt; upon which Mary put in the following unanſwerable rejoinder: "In conſideration that the queen's majeſty of Scotland doth

ſubmit

A. D. 1570. ſubmit herſelf to the judgment of the queen of England, and the more part of her nobility, in caſe of her offence, there can no leſs be required than a denunciation and admonition to proceed their declaration, (for that was *damnare hominem inauditum*) or elſe ſufficient proof to be made, and her anſwer heard before the queen of England, and the more part of her nobility."

By another article, the Engliſh were to have poſſeſſion for three years of Hume caſtle, becauſe that nobleman had favoured the Engliſh rebels; and likewiſe ſome caſtles in Galloway or Kintire, ſo as to prevent the Scots from aſſiſting Elizabeth's Iriſh rebels. Mary objected, but in vain, to both thoſe demands, alledging, that the earl of Hume had been already a great ſufferer by the Engliſh; and that the caſtles in the weſt of Scotland were not at her diſpoſal, being private property. The Engliſh commiſſioners, however, abated nothing of either demand; ſo that thoſe articles ſeem never to have been ſettled.

Ratification of the treaty by the two queens.

In the courſe of this negotiation, Mary's anſwers and objections to the articles, and the reply of the Engliſh commiſſioners to Mary's anſwers, were in ſeparate papers. At the end of Mary's anſwer is the following requeſt: "In conſideration of theſe reaſonable anſwers, and the good mind and will of the queen of Scots to ſatisfy the queen, her good ſiſter, in all points, with moſt hearty affection and humility,

mility, ſhe deſires that the queen of England, A.D. 1570.
her good ſiſter, will cauſe her to be put to liberty, reſtored freely to her kingdom, eſtate and government of the realm of Scotland; and to be authorized, aſſiſted, and fortified by her ſaid good ſiſter thereunto, whereby ſhe may govern her ſubjects and realm, by the advice of the queen, her good ſiſter, to the honour of God, and to the comfort and common quietneſs of this whole iſle. Mary R."

The paragraph annexed by Elizabeth to the reply of her commiſſioners to Mary's anſwers, is as follows: "That the queen of England, in caſe the queen of Scots ſhall be conformable to perform the articles above written, is not only content to grant the ſaid requeſt to the queen of Scots, but alſo to promiſe that where allegations have been produced againſt the queen of Scots, the queen of England meaneth not, nor will not do any thing by reaſon thereof that may any wiſe touch the queen of Scots in honour or eſtimation, ſo long as ſhe ſhall faithfully keep her promiſes and agreements, according to the tenor of this treaty."

Mary, by way of rejoinder to this paper, moſt earneſtly requeſted to be admitted to the preſence of Elizabeth, that ſhe might have her word as a pledge of her friendſhip, to which ſhe ſaid ſhe would truſt more than to all the other pledges ſhe could deſire.

A. D. 1570. Such was the ſubſtance of this famous negotiation, which has been moſt unaccountably overlooked or miſrepreſented by all hiſtorians, Scotch as well as Engliſh. They have conſidered it as being conditional; whereas it was intended to be definitive, as far as two independent ſovereigns could render any treaty ſo *. There was, it is true, another negotiation carried on at Chatſworth at the ſame time; but this had no relation to Mary's liberty, and contained only the modes of government to be obſerved in Scotland after her reſtoration; and the whole was to be altered or forborn, as ſhould be agreed upon by the commiſſioners coming from the regent and queen's party in Scotland. The ſubſtance of this negotiation (which never was carried into execution, and therefore I ſhall here omit the particulars) may be found in Spotſwood's Church Hiſtory; but it is proper I ſhould mention what Spotſwood omits; for in Cecil's copy, "all theſe premiſſes are but conjecturally propounded, without the knowledge of the earl of Lenox, or any of the nobility joined with him; or without any particular under-

P. 249, 250.

* To prove this, and how unfair all hiſtorians have been in their repreſentations of this treaty, it is ſufficient to quote the firſt article of the execution, or, as it is called in the original, The Manner of Aſſurances for the Premiſſes, viz. "The contracts of the premiſſes to be firſt conceived and concluded in writing, and with the hands and ſeals of both the queens, or of ſufficient commiſſioners hands thereto authoriſed, as is accuſtomed betwixt princes." See Cecil's State Papers, p. 612.

ſtanding

ſtanding of the ſtate and cuſtoms of the country; and therefore are to be altered, changed, or forborn, in part or in the whole, as ſhall ſeem further meet and reaſonable, upon a conference to be had with any whom the ſaid earl and his party ſhall ſend into England for that purpoſe, and others to be ſent by the queen." A. D. 1570.

The parliament of Scotland met on the tenth of October, but went upon no other buſineſs than that of confirming Lenox in the regency. He would gladly have got rid of the neutrality propoſed by Elizabeth, and made vigorous remonſtrances on that head. He ſaid that it bound the king's friends, but not thoſe of the queen; and he inſtanced the powerful intereſt ſhe had at the court of France, where all the Scotch ſhips not provided with paſſes in Mary's name were ſeized. He even intimated his diſcontent that Elizabeth had entered ſo far into the motion of a truce without conſulting him; but not daring to diſpute her will, he ſubmitted to prolong the truce for two months, provided the ſhips were releaſed. Lenox met with a powerful friend in the perſon of Cecil, who, while he was at Chatſworth, wrote him a letter, informing him that he had been forced into the management of the negotiation with the queen of Scotland, "and yet had not dealt therein but with a great regard of the ſafety of the young king, and whole eſtate: and that all he had done, Lenox confirmed in the regency. Oct. 13.

A.D. 1570. done, touching Scottiſh affairs, was under proteſtation, that it ſhould be in the power of thoſe whom the queen and regent ſhould ſend in commiſſion to change, diminiſh, or augment the articles at their pleaſures. Therefore did he adviſe the regent to ſend a nobleman, with ſome other well-learned and practiſed in the affairs of the country, to deal in this matter; taking care that the perſons he chuſed were conſtant and firm, and ſuch as would not be won from him, nor from the cauſe."

A double negotiation.

It is plain that the articles which Cecil mentions in this letter, are thoſe which related to the internal government of Scotland after Mary ſhould be reſtored; and that Cecil was acting a moſt diſingenuous part, by prompting the regent, in fact, to ſend up ſuch commiſſioners as ſhould defeat the whole intention of the treaty. How far Elizabeth was privy to this cannot be determined; but there is little room to doubt of her duplicity even with regard to the treaty that had been already ſettled between her and Mary; and that her real intention was to link it in ſuch a manner with that which concerned the form of government in Scotland, as that the execution of the former ſhould depend entirely upon the concluſion of the latter. In ſhort, Elizabeth, during the whole of this tranſaction, ſought to gain time, that ſhe might ſuit her conduct to events. I muſt, however, be of opinion that

Mary

Mary and her miniſters proceeded upon ſimilar principles, becauſe ſhe undoubtedly would have made almoſt any ſacrifice to obtain her liberty; but even ſuppoſing her not to have been quite ſincere as to her profeſſions, her duplicity was far more allowable that that of Elizabeth. By the beſt information I have been able to gather, Mary was very induſtrious by her agents at foreign courts. She had employed one Barclay to aſſiſt the archbiſhop of Glaſgow in his application to the French court; but Charles the ninth was then wholly immerſed in his preparations for the bloody maſſacre on St. Bartholomew's eve, which he afterwards executed, and for putting to the ſword all the proteſtants in his kingdom; he therefore deſired Mary's ambaſſadors to adviſe her to accept of any terms for the preſent that Elizabeth was willing to grant. Another negociation of ſtill greater importance, and which ſhews the genius of her party, falls in with this æra. A. D. 1570. Crawford.

Mary had a reſident, Hamilton, who had been rector of Dunbar, and was extremely uſeful to her at the court of Spain. He had brought to Scotland the laſt ſupply of arms and ammunition which had been ſent over by the duke of Alva; and Mary's friends obtained a commiſſion from her, for the lord Seton to return with Hamilton, and in her and her party's name to thank his catholick majeſty and the Lord Seton's adventures in the Low Countries.

A.D. 1570. the duke of Alva for their good offices. Seton, by what appears from the moſt unqueſtionable records, was a weak, vain man, oſtentatious, prodigal, intemperate, brave, and even enthuſiaſtically devoted to Mary's perſon and ſervice. The character of Alva, his ſeverity and bigotry, is well known in hiſtory; and though he was in every reſpect the reverſe of Seton, yet as the latter profeſſed himſelf to be an irreconcileable enemy to all rebellion, he met with a civil reception; and indeed his buſineſs deſerved attention. The war occaſioned by the revolt of the Seven Provinces, was then raging in the Low Countries; and the armies of the revolted Hollanders were full of Scotch officers and ſoldiers, whom the diſtractions of their own country had driven abroad. Nothing could be of more effectual ſervice to the crown of Spain than the detaching ſo conſiderable a body of troops from the ſervice of its rebels, which Seton propoſed to do by his perſonal credit among his countrymen, and the aſſiſtance of ſome money; but at the ſame time his catholic majeſty was to engage to ſend ten thouſand troops to Scotland, for the aſſiſtance of Mary and her friends. The duke liſtened with great avidity to the propoſal, but frankly told Seton that his maſter could not ſpare ten thouſand men, though he was willing to advance the money for paying ſuch a body for ſix months. Seton accepted of the terms; and throwing himſelf

ſelf into the company of his countrymen, he plied them ſo hard with liquor and promiſes, that he made a conſiderable progreſs in his undertaking. His intemperance and unguarded expreſſions defeated it, for the Hollanders diſcovered his practices, and ſecured his perſon. Seton behaved moſt undauntedly on this perilous occaſion. He pretended that he was the ambaſſador of a ſovereign princeſs, and that he was juſtified in endeavouring to reclaim her ſubjects to her ſervice. The Hollanders paid no regard to this plea, and even produced the rack to force him to a confeſſion. Seton treated their menaces with the higheſt contempt; but he probably would have undergone the torture, had not his countrymen interpoſed, and threatened to join the duke of Alva in a body unleſs Seton was releaſed; but they promiſed in that caſe to continue in their preſent ſervice. Seton upon this was ſet at liberty, and entered into a treaty with a French count, whoſe name I have not been able to recover, but who offered to carry over two thouſand men into Scotland, upon receiving an advance of three months pay. Seton communicated this propoſal, which moſt probably came from an impoſtor, to the biſhop of Roſs, who imparted it to the duke of Norfolk; but that nobleman excuſed himſelf from advancing any money, becauſe his private circumſtances were then greatly involved with the earl of Arundel. A. D. 1570.

While

A. D. 1570.

Ill judged conduct of Mary's friends.

While thoſe intrigues were going on in the Low Countries, the courts of Spain and Rome had exerted their utmoſt powers in preparing thoſe armaments againſt the Turks, which gained the glorious battle of Lepanto; ſo that his holineſs informed the biſhop of Dumblain and Car, one of Mary's ſecretaries, who were her agents at Rome, that ſhe muſt have patience before he could do any thing effectual in her cauſe. Notwithſtanding thoſe diſcouragements, I perceive that both Mary and her friends received large remittances from abroad, about this time. Leſley's ill judged zeal hurt Mary, perhaps, more than the miſmanagement of all her other agents. He had formed very dangerous connections with the ambaſſadors of France and Spain, and Rhidolphi the pope's agent, all which were betrayed to Elizabeth by the queen dowager of France; and if ſhe even was ſincere in the negociation ſhe had entered into with Mary, ſhe altered her ſentiments at this time. It appears from the narrative of his own negociations, that even after Mary had ſigned the treaty with Elizabeth for her deliverance, the biſhop ſent copies of it to all her agents abroad, whom he inſtructed to do all they could to defeat its execution, by enabling Mary to obtain better terms. Their repreſentations were ſo ſucceſsful, that notwithſtanding the expenſive armaments of the pope and the king of Spain, the former remitted to Mary's hands twelve

thouſand

thouſand crowns, and the latter ten thouſand. A. D. 1570.
It was no wonder if ſo indefenſible, and, indeed, treacherous a conduct, after it was diſcovered to Elizabeth, gave that princeſs very unfavourable ideas of Mary's ſincerity, notwithſtanding the deep proteſtations of friendſhip ſhe had made in the treaty ſhe had juſt ſigned. Elizabeth continued her diſſimulation, and upon the return of her commiſſioners from Chatſworth, where they had remained about twenty days, ſhe ſeemed to be perfectly ſatisfied with the treaty ſhe had made; and ſhe talked to the ambaſſadors of France and Spain as if all the differences between her and Mary had been adjuſted, at the very time ſhe was contriving how to elude all that had been tranſacted.

Letter of the earl of Suſſex to the earl of Lenox.

She began to ſtart ſome difficulties, by pretending that it was neceſſary the earl of Lenox and the nobility of Scotland ſhould be parties in all that was agreed upon by Mary, with regard to the government of that kingdom after her reſtoration. A letter was accordingly ſent to the earl of Suſſex, ordering him to acquaint the regent, "that the lords of the other faction had made choice of certain commiſſioners to attend the treaty begun betwixt their queen and the queen of England; deſiring that no trouble nor moleſtation ſhould be made to them and their train in that journey; as alſo to ſend ſome ſpecial perſons intruſted with commiſſion from the king and the nobility of his ſide, to give their

A. D. 1570. beſt advice for the ſurety of the king and his dependents, if matters ſhould happen to be accorded. And if it fell out otherwiſe, to conſider what ſhould be the moſt ſure courſe for continuance of amity betwixt the two realms, the preſervation of the young king, the reducing of the ſubjects to his obedience, and the defence of the iſle againſt foreign invaſions. Theſe commiſſioners he deſired to be ſent with expedition; for that her majeſty longed to have an end of the buſineſs, and could not grow to any reſolution till ſhe had conferred with them, and underſtood their minds."

Along with this letter the earl of Suſſex threw out ſome heads of advice which had been dictated to him by Elizabeth, and were plainly calculated for embarraſſing, if not defeating, the whole treaty, viz. "As, firſt, if ſhe ſhould happen to be reſtored to her crown, and the king be made to demit the authority, it might be upon condition that in caſe of her death, or the breach of the preſent agreement, he might re-enter to the kingdom without any ſolemnities to be uſed. Next, That a council of both parties might be provided to her by the queen of England, for avoiding all ſorts of practices. Thirdly, That the young king ſhould be educated in the realm of England, under the cuſtody of ſuch perſons as the nobility of his party ſhould appoint; which would

would be the greateſt ſurety for thoſe that depended on him, and tye his mother to the performance of the articles. Fourthly, That a new act of parliament ſhould be made for the eſtabliſhing of true religion, and oblivion of all injuries committed on either ſide. Fifthly, That the queen ſhould give ſome principal men of her ſide hoſtages to remain in England for fulfilling the heads of the agreement. Laſtly, He adviſed the regent to ſend with the commiſſioners that ſhould be employed in that errand, a writing ſigned and ſealed by all the noblemen of the king's party, to ſhew who they were that ſtood on that ſide: becauſe, beſides the credit it would bring to the cauſe, the ſame would be to good purpoſe, howſoever matters went. For if the treaty ſhould break off, it would be ſeen who would maintain and defend the king; or if otherwiſe an accord were made, it would be known for what perſons the queen of England was to provide a ſurety." A.D. 1570.

Cautious anſwer of Lenox.

The anſwer of Lenox to this letter was couched in cautious terms. He lamented the cauſes why the nobility adhering to the king were ſo few; but he ſtill hoped to get a ſufficiency of ſubſcriptions for the commiſſion deſired. He begged to be held excuſed from giving his private opinion in matters ſo important, becauſe he had ſworn, when he accepted the regency, to conſult with the nobi-

A. D. 1570. lity and council upon ſuch affairs. With regard to the commiſſioners, he promiſed that as ſoon as he knew of what quality the commiſſioners of the lords of Mary's party were to be, he would nominate the king's commiſſioners accordingly; and that no moleſtation ſhould be given to the former in their journey; but that in the mean time the council had appointed Pitcairn, abbot of Dumfermling, to repair to Elizabeth with their inſtructions.

This abbot was a great favourite with Morton, who prevailed with Lenox to deprive Maitland of the ſecretaryſhip, and to proclaim him a traitor for being concerned in Darnley's murder, and to forfeit his eſtate. Maitland blamed Morton for this hard uſage, which was the more extraordinary, as he had been but a few months before moſt ſolemnly cleared by Morton himſelf, and the lords of parliament, from having any concern in that murder, and as he held the ſecretaryſhip by their authority. He ſeems, however, to have been conſcious of ſome part, at leaſt, of the charge; for in a letter he wrote to a friend upon the ſubject, we find the following equivocal period: "He (Morton) was the chief procurer and ſolicitor of my pretended forfeiture, for a crime whereof, he knows in his conſcience, I was as innocent as himſelf." When this letter was ſhewn to Morton, he pretended, in anſwer, that Maitland had confeſſed his guilt to himſelf.

Inquiry, p. 286.

By a letter from the biſhop of Roſs, we underſtand that Elizabeth had abſolutely refuſed to ſuffer Maitland to repair to London as one of Mary's commiſſioners; but the good biſhop deſires him to continue his ſervices to her in Scotland during the time of the treaty. "Aſſure yourſelf (ſays he) no diligence ſhall be omitted to procure ſupports forth of all parts where it may be had. We will not refuſe the aid neither of papiſt, Jew, nor Gentile, after my advice; and to this end, during this treaty, let all things be well prepared." The biſhop next informs Maitland of the good diſpoſition of the court of Spain, and that money was ready in Flanders to be remitted for Mary's ſervice, eſpecially for fortifying the caſtle of Edinburgh.

A. D. 1570. Dated June 15.

Duplicity of the biſhop of Roſs.

The inſtructions given to Pitcairn, after paying great compliments to Elizabeth, contained remonſtrances againſt all that had been done or propoſed at Chatſworth; and put her in mind that Mary would regard the terms no more than ſhe did the reſignation ſhe made of her crown at Lochleven. They contained likewiſe a repreſentation (to the particulars of which the reader can be no ſtranger) of the various dangers to which England as well as Scotland muſt be expoſed, if Mary ſhould obtain her liberty. Elizabeth (after acquainting Pitcairn that none of the articles concerning the ſtate of Scotland had been ſigned) promiſed,

Pitcairn's inſtructions.

Nov. 29.

as

A. D. 1570. as uſual, that if it appeared to her the king's lords had done to her nothing but what they could juſtify, ſhe would eſpouſe their quarrel. "Otherwiſe (continued ſhe), if they were not able to juſtify their cauſe by ſuch evident reaſons as might ſatisfy her majeſty in conſcience, and make her anſwer the world in honor, ſhe would nevertheleſs, for that natural love ſhe bare to the king her near kinſman, and the good will ſhe carried to the noblemen that ſtood for his authority, leave no means unprovided for their ſafeties." In the mean while, as the armiſtice was almoſt expired, ſhe deſired, or rather commanded, that it ſhould be prolonged to the following March.

Mary's commiſſioners named.

The commiſſioners named by Mary were the lord Levingſton, the biſhop of Roſs, and Alexander Gordon biſhop of Galloway, commonly called archbiſhop of Athens. This prelate was of the Huntley family, and had been named to the archbiſhopric of Glaſgow; and being diſappointed of that, he had been made archbiſhop of Athens by the pope, and was afterwards made archbiſhop of Galloway, and abbot of Inchafray, but was one of the firſt prelates in Scotland who had embraced the reformed religion. Mary was juſt recovered, through the ſtrength of her conſtitution, from a dangerous illneſs, when her commiſſioners arrived at Sheffield, which was then the place of her confinement, on the twenty-third of December.

December. Leſley undertook the management of the negociation; and, in his pragmatical manner, he poſted on from Sheffield, before they ſet out, to prepare Elizabeth to receive them. They arrived at Hampton-court on the fourteenth of January; but Elizabeth ſeemed to be ſomewhat piqued at their not being perſons of greater conſequence. Leſley complained bitterly of the infringements of the armiſtice in Scotland, by the regent and his party, and inſiſted upon proceeding in the treaty immediately, without waiting for the arrival of the other commiſſioners. By this he meant that Elizabeth ſhould put the laſt hand to the perſonal treaty between her and Mary, which ſhe herſelf ſaid was almoſt as good as concluded; ſo that, at the arrival of the king's commiſſioners, nothing but the articles relating to the ſubjects of Scotland ſhould remain unadjuſted. Elizabeth affected to treat the biſhop and his fellow-commiſſioners with the greateſt candour and regard. She promiſed that ſhe would ſee all infractions of the armiſtice duly redreſſed; and ſhe even ſent a letter to inform the regent that if he delayed longer to ſend up his commiſſioners, ſhe was reſolved to finiſh the treaty without them.

A. D. 1570.

1571.

Leſley's negociations.

Lenox had ſummoned the nobility to meet him in the beginning of January, to make choice of commiſſioners, and to draw up their inſtructions. Kirkaldy had now declared openly for

Diſtractions of Scotland.

A. D. 1571. for the queen and her party, and had even gone ſo far as to reſcue by force out of the priſon of Edinburgh one of his ſervants, who had been impriſoned for murder. The meeting of the nobility however was held, though Kirkaldy played upon the town with the artillery of the caſtle; and the earl of Morton, Macgill the civilian, and the abbot of Dumfermling, were choſen to be the king's commiſſioners for the treaty at London. Before the riſing of the meeting Kirkaldy was ſummoned to give an account of his conduct; and upon his refuſing to appear, he was declared a traitor. He had at that time with him the earl of Hume, Maitland, and Sir James Balfour, all of them highly exaſperated againſt the regent and the king's party; and inſtead of regarding their authority, he took poſſeſſion of the town of Edinburgh, and raiſed batteries of cannon along the ſtreets. The parliament being prorogued to May, neither party regarded the armiſtice; ſo that Scotland remained ſtill a moſt deplorable ſcene of anarchy and confuſion.

The conferences opened.

The regent's commiſſioners arrived at London towards the end of February; and the commiſſioners appointed by Elizabeth to treat with the commiſſioners from Scotland of both parties, were the earls of Leiceſter and Suſſex, the lord keeper Bacon, the lord chamberlain Cecil, whom we are now to call lord Burleigh, Sir Walter Mildmay, and Sir Francis Knolles.

At

At the firſt meeting, which was on March the firſt, Burleigh informed the king's commiſſioners, in a pretty blunt manner, "that as they were deſired to come into England on account of the treaty between the two queens, her majeſty did now expect to receive from them ſuch reaſons for their conduct as would not only ſatisfy her, but the world. Theſe, however, if they could not produce, her majeſty would not fail to compoſe all differences, and provide for their ſafety." This ſpeech was intended to introduce the diſcuſſion of the perſonal treaty between the two queens, ſome points of which remained ſtill to be adjuſted, particularly with regard to the ſecurity which Elizabeth was to have for the performance of the articles, and for the future indemnification of the regent's party, as well as for the form of government which Mary was to obſerve after ſhe was reſtored. The Engliſh commiſſioners renewed their demand of having the duke of Chatleheraut and the other lords of Mary's party delivered up as hoſtages; and that the caſtles of Dumbarton and Hume ſhould be put into Elizabeth's hands. When Mary's commiſſioners were upon the point of yielding to thoſe demands, thoſe of Elizabeth ſprung the principal mine which they knew would blow up the whole negociation; for they acquainted Morton and his aſſociates, that by one of the articles of the treaty between the two queens, it was A. D. 1571.

A. D. 1570. agreed that the young king of Scotland ſhould be put into Elizabeth's hands, both as hoſtage and pupil. It was added, that their conſent was abſolutely neceſſary for executing that article, as the regent and his party were in poſſeſſion of the young king's perſon.

Their progreſs. A paper, which the reader will find in the notes *, was likewiſe put into Morton's hand,

* "First, That in regard her ſon had been crowned king, by virtue of her demiſſion, and his coronation ratified by the three eſtates of parliament, and that ſince that time a great number of the ſubjects had profeſſed obedience to him and his regents, which was to be interpreted in the beſt part, as done out of duty, and not out of any ill mind towards their queen; the obedience ſo yielded to the king and his regents, ſhould be allowed from the time of the demiſſion of the crown, made by her, unto the reſumption of the ſame: and all manner of acts done ſince that time in the adminiſtration of juſtice, and for government of his ſtate, ſhould be reputed good and lawful, or at leaſt reviewed and confirmed in the next parliament, after conſideration taken of the ſame by twelve lords, whereof ſix ſhould be named by the queen and her commiſſioners, and the other ſix by the commiſſioners for the king's part.

"Second, That all ſtatutes and ordinances made concerning matters of religion, and the miniſters thereof, ſince the ſame time, ſhould be obſerved by all the ſubjects of Scotland, and no pardon nor diſpenſation granted in time coming to any perſon not obſerving the ſame, without conſent of the ſaid twelve lords.

"Third, That all proceſſes, ſentences, and judgments, given either in cauſes civil or criminal, ſince the ſaid time, wherein the order of the laws of the realm had been obſerved, ſhould remain in force, and only ſuch ſentences as had been pronounced, either in the name of the king or queen, againſt any perſon, for not obeying or acknowledging either of their titles, be reſcinded; the ſentences always pronounced againſt the earl of Bothwell, or any others, for the murder of the queen's huſband, ſtanding good and valid.

"Fourth, That all eccleſiaſtical benefices and temporal offices, which have uſually continued in the perſon of any, during

containing the heads of the pacification agreed on by the Engliſh miniſtry. The anſwer of the A. D. 1571.

ring the term of life, ſhould remain with the ſame perſons that held them at the time of the queen's demiſſion; ſuch excepted as may be proved to have conſented to the murder of her huſband, or that have left them upon recompence, and with their own conſents: in which caſes the preſent poſſeſſors ſhould enjoy the ſame, unleſs they were uncapable, and declared by the twelve lords to be ſuch.

"Fifth, That all ſtrengths, caſtles, and houſes, appertaining to the crown, ſhould be reſtored to the poſſeſſion of thoſe who held them at the time of the queen's demiſſion, except they had parted therewith upon agreement; in which caſe the queen, with conſent of the ſaid twelve lords, or the moſt part of the council, ſhould diſpoſe thereof.

"Sixth, That the jewels, plate, moveables, and implements of houſes, belonging to the queen at the time of her demiſſion, ſhould be reſtored, provided the moneys which any had laid out for the ſame, were repaid; and for ſuch as had been put away by the direction of the regents or council, that recompence ſhould be made, by the queen, to the party according to the juſt value.

"Seventh, That a law ſhould be eſtabliſhed in parliament, for oblivion and remiſſion of all things done ſince that time, after the ſame manner that was done in the year 1563. Providing, not the leſs, that the comptroller, treaſurer, and other receivers of the crown revenues, ſhould give an account to the queen of all ſums of money, or other profits which had not been expended, bona fide, for the affairs of the realm, or by order and warrant from the regent, and others truſted with thoſe affairs; neither ſhould the remiſſion be extended to any that had taken by force any houſes, caſtles, lands, or heritages, belonging to others, but reſtitution ſhould be made thereof to the party diſpoſſeſſed, or to his heirs, till the ſame, by order of law, be juſtly determined. In like manner, concerning goods moveable, taken away from the owners againſt their wills, and being yet in their own nature extant, that reſtitution ſhould be made thereof. And becauſe many doubts might ariſe upon this article, the ſame ſhould be determined by the foreſaid twelve lords or others, as was deviſed for the execution of the act made anno 1563.

"Eighth, That, for the more quiet government of the realm, there ſhould be appointed a privy council, which ſhould conſiſt of twelve lords ſpiritual and temporal, beſides the other ordinary

A. D. 1571. earl of Morton to thoſe demands was to the following purpoſe: "We have ſeen and conſidered the note of the heads which is thought of by your lordſhips, for pacification betwixt the queen, mother to the king our ſovereign, and his ſubjects, for the controverſy of the title of the crown of Scotland betwixt his highneſs and the ſaid queen his mother; if it be found probable, that her demiſſion of the crown may be, and is lawfully to be, revoked by her.

"And therewithall we have diligently peruſed our commiſſion and inſtructions, to know how far we might enter into treaty upon the ſame

officers that do uſually attend. And that the ſaid council ſhould be eſtabliſhed with the like proviſions that were made at the return of the queen out of France, anno 1561; ſo many as were then counſellors, and yet alive, being counted of that number: and that the earl of Lenox, becauſe he was moſt bound by nature to take care of the king, ſhould be one of the council, and have place therein according to this degree.

"Ninth, That for the greater ſafety of the king's perſon, he ſhould be brought into the realm of England, and there governed by ſuch noblemen of Scotland as depend of him; ſo as he may be ever ready to be reſtored to the crown, if the queen, his mother, break the covenants agreed betwixt her and the queen of England.

"Tenth, That for his entertainment he ſhould not only have the revenues which the princes of Scotland in former times poſſeſſed, but alſo the rents and offices belonging ſome time to the earl of Bothwell.

"Eleventh, and laſt, That a convenient number of hoſtages, being all noblemen, and of thoſe who have adhered to the queen, and ſolicited her delivery, ſhould enter into England, to remain there for aſſurance of obſerving the conditions made both to the king of Scots and the ſubjects under his obedience, and to the queen of England for the peace and quiet of her dominions; and that the ſaid hoſtages ſhould be entered into England before the queen of Scots ſhall be put at liberty." Spotſwood, p. 249, 250.

heads,

heads, for ſatisfaction of the queen's majeſty and your lordſhips, to whom the hearing of the cauſe is appointed. But after conſideration of the ſame, we find ourſelves no ways able or ſufficiently authorized to enter into any treaty or conference touching the king our ſovereign's crown, the abdication or the diminution of his ſovereignty, or the removing of his perſon: for as we profeſs ourſelves his highneſs's ſubjects, having no power or commiſſion but of his majeſty to treat for him, in his name and behalf, in matters tending to the maintenance of the true religion, and for the increaſe and continuance of the amity and common quiet of both the realms; ſo can we not preſume to abuſe the ſame our commiſſion, in any caſe that may prejudge him; which we truſt your honours will well conſider of, and allow of the ſame accordingly." A. D. 1571.

Elizabeth pretended to be highly diſobliged for their preſuming to obſtruct the progreſs of the treaty, and again called upon them to juſtify their conduct againſt their miſtreſs. Morton, upon this, gave in a long paper juſtifying the depoſition of Mary from civil, canon, and municipal laws, ſtrengthened by examples drawn from Scotch hiſtorians, and the opinions of divines. It is here extremely remarkable, that no notice is taken either by Elizabeth or Morton of the ſilver-box papers, though they were formerly held as the chief,

if

A. D. 1571. if not the ſole, evidences of Mary's guilt; and though Elizabeth had declared, that if they could be proved to have been written by Mary, ſhe never would ſuffer her to be reſtored to her crown. Morton was ſo ſenſible that Elizabeth knew them to be forged, that he did not even venture to mention them, and far leſs to produce them; though, had they been genuine, the ſight of them would have ſufficiently anſwered her demand. Elizabeth at their next audience informed them, that ſhe was by no means ſatisfied with their reaſons, and that ſhe highly reſented the bitter ſpeeches and indecent liberties which they uſed in depreſſing the authority of princes: ſhe therefore deſired that they would go to the ſecond head, and deviſe what they judged moſt expedient for their king's and their own ſafety. Their anſwer was, that they had no orders to treat concerning the diminution of their king's authority, and that they would have rejected any ſuch commiſſion, had it been offered them. At the ſame time they begged that they might be permitted to return to their own country. Elizabeth referred them to her council, who demanded their anſwer as to the heads of the pacification; but their anſwer was, as before, a total negative to any thing that might injure or diminiſh their king's authority.

The negociation finiſhed,

During this tranſaction between Elizabeth and the regent's commiſſioners, conferences were

were going on between thoſe of Mary and the Engliſh miniſtry. The lord keeper Bacon, perceiving that the former more than ſuſpected Elizabeth's and Burleigh's intention to be only to gain time, and therefore refuſed to agree to the propoſition of putting the forts into the hands of the Engliſh, told them very plainly that all the forts and nobility of Scotland were not an adequate ſecurity for the quiet of England: "And (added he) would the queen of England take advice, and good advice too, ſhe never would ſuffer the queen of Scotland to depart out of her hands." This audience, in fact, finiſhed this promiſing treaty; but Elizabeth endeavoured to varniſh over the inconſiſtencies and duplicity of her conduct. She obſerved, though ſhe deteſted the general doctrine of depoſing ſovereigns, yet that when it was applied to the particular conſtitution of Scotland, ſhe could not blame the young king's commiſſioners for not agreeing to any definitive articles without taking the ſenſe of their parliament, which was to meet in the May following; and therefore ſhe gave Morton leave to return to Scotland for new powers, with a promiſe to Mary and her commiſſioners that ſhe would renew the treaty next May. In the mean while ſhe wrote a moſt ſcandalous letter to the earl of Shrewſbury, informing him, that as ſhe knew Mary and her friends would look upon this delay in the very worſt light, and conſequently re-

A. D. 1571.

Dated March 24.

A.D. 1571. renew their practices againſt her ſtate and for her eſcape, that therefore he ſhould take ſpecial good heed to his charge.

to the great diſpleaſure of Mary and her friends,

As Elizabeth had foreſeen, Mary no ſooner heard that the treaty was protracted, than ſhe broke out into the moſt bitter invectives againſt Elizabeth and her miniſters. Leſley, at the ſame time, treated all Elizabeth's pretexts for the delay as a mere farce. He put her counſellors in mind that Morton could bring no new powers but from thoſe who were Mary's declared enemies, and equally guilty with himſelf; that both Elizabeth and Randolph, her miniſter in Scotland, had repeatedly declared that Lenox had no will but hers; and that he durſt do nothing but as ſhe ſhould direct: that nothing had ariſen in the courſe of the treaty but what Elizabeth might eaſily have foreſeen; and that it was plain, from the whole complexion of the negotiation, it was a game of ſtate, contrived to keep his miſtreſs in perpetual durance. No anſwer, at leaſt none that was ſolid, could be given to thoſe complaints; but Elizabeth endeavoured to ſoften Leſley by promiſing to renew the negotiation, and to bring it to an abſolute concluſion the following May, and owning that ſhe perceived from Morton's commiſſion that he required new powers. The Engliſh miniſters made uſe of the ſame language; but Leſley, who was re-inſpirited by the freſh ſupplies of money

money, and promiſes of aſſiſtance, which Mary and her party had received from abroad, told them plainly, that he had been abuſed by the hopes they had given him of the negotiation; that he had abuſed his miſtreſs and his country in aſſuring them of its ſucceſs; that he ſhould betray them if he was to adviſe their negotiating any longer; and therefore warned them to provide for their ſafety, and that of their country, unleſs their miſtreſs was prevailed upon immediately to put the laſt hand to the treaty. To this it was anſwered, "that Elizabeth herſelf was the beſt judge of that meaſure." And thus the conferences betwixt them and Leſley, at that time, broke off. A. D. 1571.

who fail in bringing Morton over to their party.

The French and Spaniſh embaſſadors being informed of what had paſſed, were of opinion that Morton ought either to be detained at London, or brought over to Mary's intereſt. A conference was accordingly propoſed between him and her commiſſioners. Morton objected to Leſley's being preſent at the interview; but agreed to confer with Mary's other two commiſſioners, who found him ſo determined an enemy to her cauſe, that the meeting broke up without any effect, and Elizabeth licenſed Morton and his aſſociates to return to Scotland. As to Mary, ſhe complained that her enemies in Scotland were ſupported by England in their hoſtilities againſt her friends,

A.D. 1571. while her allies abroad, in conſideration of the armiſtice, delayed ſending any troops to her aſſiſtance; and therefore ſhe was reſolved not to prolong the truce, but to leave her friends at liberty to defend themſelves, and annoy her enemies. In the mean time, ſhe ordered the lord Levingſton and the biſhop of Galloway to repair to her. Elizabeth gave them ſafe-conducts, and ordered Leſley to leave London at the ſame time; but he inſiſted upon the privileges of an embaſſador, and the commands of his miſtreſs to remain where he was. Elizabeth repeated her orders, but received the ſame anſwer; ſo that ſhe was driven to the alternative of either ſuffering the biſhop to continue his dangerous practices at London, or to deny him the privileges of an embaſſador.

Civil war renewed in Scotland.

Mary had great reaſon for complaining of the armiſtice in Scotland. Lord Semple had poſſeſſed himſelf of the abbey of Paiſley, which was the private property of lord Claud Hamilton, who accordingly diſpoſſeſſed him of the houſe, and filled it with his own followers. Though this was a family quarrel, the regent conſidered it in another light; and raiſing ſome forces he beſieged the place, which was ſurrendered to him at diſcretion; and the garriſon being carried to Edinburgh, all of them were hanged at the croſs, though lord Claud had, at that very time, a conſiderable number

number of the regent's friends his priſoners. A. D. 1571.
This ſucceſs of the regent was ſupported by the zeal of the clergy. Knox was ſtill alive; and he and his party declaimed with greater fury than ever againſt Mary and her friends. Their expreſſions of rancour, which they threw out of their pulpits on that ſubject, were unbecoming not only chriſtians, but men, and are therefore ſhocking to humanity.

Dumbarton caſtle taken by the regent.

The day after the armiſtice was expired, the regent executed a ſcheme which he had formed for ſurprizing the caſtle of Dumbarton. That fortreſs was commodiouſly ſituated for Mary's party in the weſt, and had been of vaſt ſervice to her affairs. It was commanded by lord Fleming, who preſuming on the natural ſtrength of the place, was far from being ſtrict as to the diſcipline of his garriſon. The caſtle itſelf was ſituated on a rock, high, and almoſt inacceſſible, and in an angle formed by the confluence of the rivers Clyde and Leven, from whence there opens a plain, which extends about a mile to the foot of adjoining mountains. In ſhort, its natural ſtrength was ſuch, that it was at this time deemed impregnable. The regent communicated his ſcheme to one captain Crawford of Jordan-hill, who aſſociated with himſelf two other captains, Hume and Ramſay, who were likewiſe brave experienced officers. They ſoon found out one Robertſon, who had been a ſoldier of

A. D. 1571. the garriſon, was acquainted with every foot of the rock where the caſtle was acceſſible, and who, from ſome perſonal diſguſt he had received, appeared as willing to lead the attempt, as they were to engage him; for he put his daughter and ſon-in-law in the regent's hands as pledges for his fidelity, which was farther ſecured by a conſiderable ſum advanced, or promiſed him. Scaling-ladders being abſolutely neceſſary, they were provided; but as the march of the troops neceſſary for the enterprize, might come to the knowledge of the garriſon, a party of light horſe, under one Cunningham, was ſent the day before to cut off all communication between the caſtle and the adjacent country. Crawford marched with his men from Glaſgow; and by midnight he was joined by the other two officers, with a hundred more. Being arrived at the bottom of the rock, he, for the firſt time, opened to his party the noble ſervice in which they were to be engaged; ſhewed them Robertſon, who was to lead them on; and acquainted them, that if the hearts of any among them failed, they were then at liberty to depart. This was ſo far from being the caſe, that each contended for a ſhare of the honour. About an hour before day-break, the moon, which before was bright, being then clouded, they applied their ladders to that part of the rock which was higheſt, and therefore the worſt guarded. At

firſt

firſt the ladders ſlipped, and thoſe who were mounting them tumbled down; but this circumſtance, diſcouraging as it was, encreaſed their reſolution, and at the ſame time their caution. They refitted their ladders with greater firmneſs; ſo that Robertſon and Crawford gained the middle of the rock, where they found an aſh ſhrub growing in a flat, which gave them the conveniency of ſtanding. By fixing the ropes to this ſhrub, thoſe behind them were enabled to mount the flat, and to draw their ladders after them. Theſe being planted anew, they began again to mount; but one of the ſoldiers, when mid-high, was ſeized with an apoplectic fit, which rendered him immoveable. This might have diſconcerted their operations, as they thought it would have been cruel to throw him down, had not Crawford, with admirable preſence of mind, ordered the man to be tied to the rounds, and the ladder to be turned; ſo that the whole party mounted over his belly to the top of the rock on which the wall was built. It was with ſome difficulty that they faſtened their ladders anew, but nothing could withſtand their reſolution; and Ramſay was the firſt who gained the top of the wall, where he diſpatched with one blow a centinel who had alarmed the garriſon. Theſe were thrown into ſuch conſternation, that they ran different ways, without aſſembling in a body, or making reſiſtance; ſo that the aſ- A.D. 1571.

ſailants

A. D. 1571. ſailants ſhouting out "a Darnley! a Darnley!" became maſters of the cannon and the magazines. The governor was the only perſon in the garriſon who made his eſcape in a ſmall boat, which carried him to Argyleſhire.

The archbiſhop of St. Andrew's

Beſides the common ſoldiers, the archbiſhop of St. Andrew's and Verac the French ambaſſador were made priſoners. The latter was ſet at liberty next day; but the former, with two other gentlemen of diſtinction, were ſent

April 5. under a guard to Stirling. In the afternoon of the morning that this exploit, one of the moſt hazardous and difficult of any that hiſtory can produce, was performed, the regent arrived in perſon at Dumbarton. After reviewing the incredible difficulties of the undertaking, he paid a viſit to the governor's lady, whom he treated with the greateſt politeneſs and generoſity; for he not only allowed her to carry off her plate and furniture, but he even ſettled upon her part of her huſband's eſtate, which had been forfeited in the beginning of Murray's regency. Three days after, the archbiſhop was indicted of high treaſon upon the following heads: firſt, "That he knew, and was participant, or accomplice, in the murdering of king Henry, the queen's huſband. Secondly, That he conſpired againſt the king's perſon at the murdering of the firſt regent, intending to have ſurprized the caſtle of Stirling, and to have been maſter thereof at his pleaſure. Thirdly, That he knew,

condemned and executed.

or

or was participant of, the murder of James earl of Murray, the late regent. Fourthly, That he lay in wait at the wood of Calendar, for the ſlaughter of Matthew earl of Lenox, the preſent regent." A.D. 1571.

It is difficult to ſay what could be meant by this indictment, ſince the biſhop, in fact, was not ſentenced upon it. Being called to the bar, he very properly inſiſted upon being proceeded againſt in the common methods of trial, and to be allowed a farther day. His requeſt not being complied with, he behaved with a calmneſs and dignity ſuitable to his character. He ſolemnly denied the firſt, ſecond, and fourth articles of his charge; but to the third, if we are to believe a contemporary authority, he candidly anſwered, "I not only knew thereof, and would not ſtop it, but rather furthered the deed thereof, which I heartily repent, and aſk my God mercy for the ſame *." One Robertſon, a prieſt, was brought to convict him upon the firſt article; but all his evidence amounted only to a confeſſion which had been made to him by one of the archbiſhop's ſervants upon his death-bed. Upon the whole, none of the charges ſeem to have been proved, or at leaſt the method of his trial was ſo indefenſible,

* No mention being made of ſuch a confeſſion by Buchanan or Knox, the fact is juſtly queſtionable, becauſe, had it been made, it would have gone far to have convicted the archbiſhop upon the indictment.

that

A. D. 1571. that he was condemned upon a ſentence of forfeiture that had been pronounced againſt him in one of the regent Murray's parliaments; and ſo eager were his enemies for his blood, that he was, that very night, without regard to decency or humanity, hanged upon a growing tree.

Lives of the Scots writers.

His character.

Great pains have been taken by Dr. Mackenzie, and other writers of a popiſh caſt, to vindicate the character of this prelate from the charges brought againſt him by Buchanan and his enemies, ſome of which are ridiculous, and others ill founded. Among theſe are incontinency, while he was a young man; but it appears that he was married before he took orders, and that the ſon he left behind him was legitimate. It cannot be denied, that notwithſtanding his attachment to popery, he was moderate in his religious ſentiments, though the catechiſm which he publiſhed gives us no high idea of his theological learning. I have, in the courſe of this hiſtory, pointed out the blameable parts of his conduct; but in the main he appears to have been a prelate of great addreſs in buſineſs, and well fitted to be the leader of a party. His chief political demerit was his violent attachment to the family of Hamilton, the head of which was very unequal to the high ſtation he filled; ſo that the archbiſhop was under great diſadvantage in being obliged to act a ſubordinate part under him and his eldeſt ſon,

who

who died a lunatic. The ſame family zeal impelled him to ſome very improper ſteps immediately before Mary loſt the battle of Langſide. But, with all his failings, it muſt be acknowledged that he met with a hard fate chiefly through the averſion which the earl of Lenox had to the Hamilton family, and an invincible prepoſſeſſion he retained of his being acceſſory to his ſon's death. To conclude: his death was an irreparable loſs to Mary and her friends, and may be conſidered as giving the finiſhing blow to the popiſh intereſt in Scotland, which had hitherto been ſupported by the heads of the Reformation. Though this may ſeem to many of my readers a paradox, yet nothing is more certain than that the proteſtant noblemen, finding their preachers were determined to have the church livings (many of which were in lay hands) brought to account, and veſted in themſelves, oppoſed them vigorouſly, and choſe that the revenues ſhould remain with the popiſh incumbents, rather than that they ſhould part with what they had ſo rapaciouſly and illegally acquired; but of this more hereafter. A. D. 1571.

The ſcandalous manner in which the archbiſhop of St. Andrew's had been executed, the loſs of Dumbarton, and, above all, the treatment of Mary by Elizabeth, exaſperated Mary's friends in Scotland to the laſt degree; and they no ſooner underſtood that Mary had ordered the armiſtice not to be renewed, than they aſſembled Mary's party in poſſeſſion of Edinburgh.

A. D. 1571. their whole force, with an intention to make ſevere repriſals. Kirkaldy ſtill kept poſſeſſion of the caſtle and town of Edinburgh, and had deprived the citizens of all their warlike magazines, by carrying them to his garriſon. The duke of Chatleheraut, the earls of Huntley and Hume, the lords Herries, Boyd, and other friends of Mary, repaired to that metropolis, where they took upon themſelves the exerciſe of the government. They required that Mary ſhould be prayed for by name in the churches; upon which Knox left the town, and the biſhop of Galloway ſupplied his place as miniſter of St. Giles's church. The regency of Lenox was declared to be illegal, and all his adherents were commanded to leave the town in ſix hours. They compelled the clerks and keepers of the regiſters to deliver up all the books and records relating to the parliament; and, in ſhort, they omitted nothing that could render the meeting of the regent's party ineffectual. Morton, who was the ſoul of the latter, without being diſconcerted by thoſe threatening appearances, ſeized and fortified Leith; and after conſulting lawyers, he found that the meeting of the parliament, which had been ſummoned to Edinburgh, would be legal, if it was held in that part of the Cannongate which is within the franchiſes of the town.

The regent holds a parliament in the Cannongate.

To provide a proper guard to protect the regent and his party, the two active officers

Hume

Hume and Ramſay were ſent from Dalkeith to Leith, with money to hire ſoldiers. It appears that the Cannongate, as well as Leith, was then in poſſeſſion of the regent; for when the two captains marched by the eaſt part of the town, they wantonly fired ſome ſhot through the gate. The citizens were in no diſpoſition to reſent this inſult, and the party marching on returned with their recruits. They were encountered by a detachment from the garriſon of the caſtle, headed by ſome of Mary's lords; but the latter behaved ignobly, and, to the diſcredit of the cauſe, were beat back into the town by the two captains. If the miſeries of Scotland could admit of any addition, they received it on this occaſion. Even children ranged themſelves under the banners of the two parties; and among grown perſons their animoſities were carried into bloodſhed: ſo that at laſt the ſoldiers of the two factions took poſſeſſion of the houſes of the moderate party on each ſide, and lawleſs fury every where prevailed. Mary's friends, though the moſt powerful, could not prevent the meeting of the regent's parliament in the Cannongate, under all the thunder of the artillery diſcharged from the caſtle. It conſiſted of the earls of Morton, Mar, Glencairn, Crawford, (now of the king's party) Buchan, and Monteith; the lords Keith and Graham, as proxies for their fathers; the earls of Marſhal and Montroſe; the A. D. 1571.

A. D. 1571. lords Lindſay, Ruthven, Glamis, Yeſter, Methven, Ochiltree and Cathcart, two biſhops, nine abbots and priors, with twenty commiſſioners of burghs. Short as the time of their ſitting was, they forfeited Maitland, as guilty of high treaſon for being an adviſer of Darnley's murder. His brother, who was prior of Coldingham, underwent the like ſentence; as did the abbot of Kilwinning, the ſon of the late archbiſhop of St. Andrew's, and ſeveral other friends of Mary. This buſineſs being finiſhed, the parliament was prorogued to the thirtieth of Auguſt, to reaſſemble at Stirling.

Morton obtains the archbiſhopric of St. Andrew's.

It would tire the reader's patience to enter into a detail of the freſh miſeries which thoſe forfeitures occaſioned in Scotland. The regent, who went from Edinburgh to Stirling, and who conſidered himſelf in ſome ſenſe as a foreigner or an Engliſhman, looked upon all the horrors of civil war with great indifference, and ſometimes with pleaſure, when they were diſcharged againſt his enemies the Hamiltons. Morton remained at Dalkeith; but ſo hated and unpopular, that he was obliged to hire a guard of Daniſh ſoldiers to protect his perſon. He had his eye fixed upon the archbiſhopric of St. Andrew's, which he had perſuaded the regent to beſtow upon a gentleman of the name of Douglas; and by his advice he took upon himſelf the title of archbiſhop, though the earl was to engroſs the chief part of the revenues, which he

he was actually in poſſeſſion of. This raiſed an outcry againſt him among the clergy of all perſuaſions; but he ſet them at defiance; and in order to ſecure his new acquiſition, he had ſome thoughts of a pacification; and for that purpoſe he had a private conference with the lord Boyd, to whom he delivered his plan, drawn up with his own hand. Boyd carried it to Mary's lords at Edinburgh, who were now ſo confident of ſucceſs that they rejected it; and they became ſo ſuſpicious of Boyd, that from being one of Mary's firmeſt friends, he was now forced to attach himſelf to the oppoſite party. The confidence of the royaliſts was encreaſed by the arrival of Sir James Kirkaldy, brother to the governor of the caſtle, from France, and his bringing with him a ſupply of ten thouſand crowns, and a large quantity of arms and ammunition. Kirkaldy landed his cargo at Leith; and though the fortified part of that town was in the hands of the regent, yet he was ſo well protected by a ſtrong detachment ſent from Edinburgh, that the money, arms, and a large quantity of wine, were carried without reſiſtance to the caſtle. After this, the loyaliſts diſtributed parties of ſoldiers through different quarters of the town, and ordered all the regent's party to leave it. Upon the regent's retreat to Stirling, the loyaliſts burnt the houſe where his parliament had met, and the houſes of his friends in the ſuburbs, and made diſ- A. D. 1571.

poſitions

A. D. 1571. positions for purſuing him to Stirling; but they found that it was too late, he having puſhed forward with the horſe, and the earl of Morton having returned to Dalkeith with the foot.

He keeps poſſeſſion of Leith and Dalkeith.

Had it not been for the conduct and intrepidity of Morton, who ſtill kept poſſeſſion of Leith and Dalkeith, the king's party muſt at this time have been extinguiſhed in Scotland. Beſides his Daniſh guard, which had been brought over by one captain Wemys, he had with him a ſmall body of veteran ſoldiers, who had ſerved under the regent Murray. Well knowing, however, the weakneſs of the regent's party, and conſcious of his own unpopularity, he ſecretly advertiſed Elizabeth in what a dangerous condition her friends were in Scotland, and the neceſſity of her interpoſing to ſave them. Elizabeth (who ſtill affected a great ſhew of impartiality) ordered Drury, the marſhal of Berwick, to mediate between the two parties, and privately to confer with the regent's friends how to recover the caſtle and town of Edinburgh from the loyaliſts. In the mean while, the latter, in hopes of retrieving the reputation they had loſt by not intercepting Morton, and by ſuffering him to form, in a manner, a blockade of the capital, by cutting off its ſupplies of proviſions, and preſſing both men and horſes into his ſervice, formed a plan, which was to be conducted by the earl of Huntley

and

and lord Claud Hamilton, for ſurpriſing Morton at Dalkeith. They accordingly marched out with a body of horſe and foot; but as ſoon as day broke, they found Morton, who had been apprized of their intention, ready to receive them at the head of a ſmall but well diſciplined party. The loyaliſts attacked him; but, notwithſtanding their ſuperiority of numbers, they were beaten back: they ſoon, however, rallied, and returned to the charge. It is hard to ſay what the event might have been, had not a quantity of powder which the loyaliſts carried along with them taken fire, and killed a number of their men, with one of their moſt active officers. The loſs on both ſides was inconſiderable; but Mary's friends were diſheartened by the miſcarriage of the attempt, and the reſolution with which the ſmall handful under Morton fought. A.D. 1571. A ſkirmiſh.

Such was the ſtate of affairs when Drury arrived at Edinburgh, where he was received with great reſpect by the loyaliſts. The appearance of a miniſter from the queen of England gave ſuch ſpirits to the regent and his party, that they impowered Drury to demand that Kirkaldy ſhould ſurrender the caſtle to the regent, who conſented that he ſhould march out with bag and baggage; and that all the loyaliſts ſhould abandon the city, upon aſſurances of a general indemnity for their rebellion againſt the young king. This condition was rejected, though the regent agreed that Arrival of Drury from Elizabeth.

Kirkaldy

A. D. 1571. Kirkaldy ſhould keep poſſeſſion of the caſtle till the indemnity was expedited. All that the loyaliſts could be brought to, was to conſent to withdraw their troops from the town, provided neither the regent nor the earl of Morton ſhould enter it; and that Kirkaldy ſhould retain no more than a hundred and fifty men, who were to lye under the cannon of the caſtle, beſides its ordinary garriſon: thoſe terms being rejected, the treaty came to nothing.

Mary's parliament meets.

The loyaliſts imagined that the name of a parliament gave great ſanction to their enemies in the eyes of the public, and therefore reſolved to avail themſelves of the ſame advantage. They therefore ſummoned a parliament to meet on the ſecond of June, in the town-houſe of Edinburgh. The members being accordingly aſſembled, a paper, which Spotwood calls a Supplication, was preſented to them in the queen's name, reciting the treatment ſhe had received when ſhe was forced to reſign her crown, and deſiring them to declare the ſaid reſignation to be null in all time coming. The aſſembly agreed to this ſupplication, and a ſtatute was paſſed declaring the nullity in the moſt ample terms. By another ſtatute it was ordained, "That none ſhould innovate, alter, or pervert the form of religion and miniſtration of ſacraments, preſently profeſſed and eſtabliſhed within the realm; but that the ſame ſhould have free courſe, without any lett or impediment

impediment thereto." By the ſame act, the ſuperintendants, miniſters, exhorters, and readers in churches, were commanded in their public ſervice to pray for the queen, as their only ſovereign, the prince her ſon, the council, the nobility, and the whole body of the commonwealth; and that all coins and public acts ſhould run in her name. Thoſe ſtatutes were proclaimed at Edinburgh on the thirteenth of June; nor do I find that the aſſembly went upon any other buſineſs, excepting ordering another parliament to be held in Auguſt. A. D. 1571.

The regent and his party were all this while ſtrengthening and enlarging the fortifications of Leith, and daily ſkirmiſhes paſſed between the two parties almoſt at the gates of Edinburgh, with various ſucceſs. Drury's negotiation ſtill went on; but the loyaliſts reſolved to attack Morton once more. The latter drew out his men in order of battle; and, notwithſtanding Drury's mediation, an engagement followed, in which Morton was again victorious. The loyaliſts were driven back to Edinburgh with conſiderable ſlaughter; an hundred and fifty priſoners, among whom was the lord Hume, were taken, as were a number of horſes, and two field-pieces, all which were carried in great triumph into Leith. The lord Hume was ſoon after exchanged for the baron of Drumlamrig, and other exchanges of the ſame kind were made. In this encounter the

The loyaliſts defeated.

Spotſwood. June 16.

A. D. 1571. moſt conſiderable perſon who fell on the queen's ſide was the abbot of Kilwinning, who, tho' devoted to the Hamilton family, had generally declared himſelf for moderate meaſures. Morton loſt only captain Wemys, and a common ſoldier.

Moderation of the regent.

This freſh defeat, inſtead of damping, exaſperated the loyaliſts. They laid the blame of their diſgrace upon Drury's having betrayed them; and Kirkaldy told him to his face he had acted ſo vile a part, that were it not that he reſpected his public character, he would ſend him to priſon. Drury threw all the blame upon the earl of Morton, and was endeavouring to renew his negotiation, but the loyaliſts refuſed to hear him; and all the favour he obtained was to protect him from the incenſed ſoldiery till he reached Leith, to which place the regent repaired upon hearing of Morton's ſucceſs in the late encounter. His proceedings were far from being ſanguinary. One captain Cullen, who had a handſome wife, was the only priſoner who ſuffered death, the reſt being diſmiſſed upon their promiſing not to ſerve againſt the king.

A new ſupply of money and arms arrive from France.

This moderation had an excellent effect, and procured the regent many friends among the country people; but while he remained at Leith, a French ſhip appeared in the Forth, on board of which were Verac, the French agent, and one Chiſholm, an agent for Mary, who had

had procured a freſh ſupply of men and arms from the French king. Chiſholm having ſome intelligence that Leith was in the hands of the king's party, privately landed the money, and conſigned it to the abbot of Inch-colm. Notwithſtanding his precaution, both he and Verac were apprehended by the lord Lindſay. Verac's papers being ſeized, an account of the money that had been given to Chiſholm was diſcovered: and being put to the torture, he confeſſed all he knew of the money; ſo that the whole of it fell into the regent's hands, as did the ſhip, with all the arms and ammunition; but it was retaken, as it was ſailing for Stirling, by Sir David Spence, the moſt fortunate of all Mary's partizans; and he carried the crew priſoners to Edinburgh, together with the valuable cargo he had recovered. A.D. 1571.

While the civil war was thus raging in Scotland, Elizabeth ſent freſh inſtructions to Drury to renew the armiſtice, and offered to ſend commiſſioners to the borders, who ſhould endeavour to reconcile both parties, and remove all differences public and private. He was likewiſe to endeavour to prevent the meeting of either parliament in Auguſt, and to ſtop all forfeitures in the mean while. With thoſe inſtructions, a letter of ſafe-conduct was ſent, impowering Kirkaldy to name any commiſſioners he pleaſed (Maitland, and the reputed Elizabeth's inſtructions to Drury

A.D. 1571. puted murderers of Darnley, excepted) to treat with Elizabeth's commiſſioners.

are rejected by both parties.

Thoſe propoſals were equally diſagreeable to both parties. The loyaliſts ſtill continued to flatter themſelves with the hopes of a powerful diverſion from France, and no regard was paid by Kirkaldy to Elizabeth's offer. The regent, on the other hand, found himſelf in a moſt diſagreeable ſituation. He knew that he was hated by Elizabeth, who had detained his wife and family as hoſtages for his behaviour; and he had diſcovered that Morton was ſecretly making intereſt for the regency, and had made advances for that purpoſe to ſome of the loyaliſts. The regent unboſomed himſelf to his private favourite, Ramſay of Drumquhaiſel, the ſame who had been ſo active in reducing the caſtle of Dumbarton. Ramſay, beſides being an excellent officer, was reputed, next to Maitland, to be the ableſt politician, and the moſt eloquent ſpeaker in Scotland; ſo that the regent, diſguſted with Morton's avarice and overbearing behaviour, had thrown his eyes upon Ramſay, as a counterpoiſe for that inſolent nobleman. Morton more than ſuſpected this by the regent's late conduct, and threatened to leave him to his own counſels, and thoſe of his favourite. Lenox had not firmneſs to carry his deſign into execution; and Morton refuſing to be reconciled to him upon

upon any other terms, he had the meanneſs A.D. 1571
to order Ramſay, under a penalty, not to appear within ten miles of his perſon.

Thus diſagreeably circumſtanced was the regent, when Drury called upon him to give an anſwer to Elizabeth's propoſals concerning the armiſtice. It contained in ſubſtance, that he could grant none, without evident prejudice to the king's cauſe, as long as Edinburgh was in the hands of the oppoſite party; that as to other matters, he could come to no reſolution without conſulting the ſtates, who were to meet in Auguſt, when he did not doubt they would give Elizabeth all reaſonable ſatisfaction. It was about this time that Morton, to prove how well he deſerved the regent's confidence, prevailed upon the earl of Argyle to accept of a place at the council-board, being, at the ſame time, appointed juſtice-general, keeper Crawford.
of the great ſeal, and lord high-chancellor of Scotland for life. The defection of this powerful nobleman, who had ſo greatly diſtinguiſhed himſelf in Mary's cauſe, is, by Crawford, attributed, though I think without good grounds, to ignoble motives. He ſays, that the earl, as well as the other new convert, lord Boyd, had ample aſſignments out of the patrimony of the church; and that he had changed his party that he might be divorced from his wife, and marry Boyd's daughter, who was one of the greateſt beauties of that age.

A. D. 1571. age *. It is far more probable, that both thoſe noblemen, touched with the miſeries of their country, had gone over to the regent in hopes of ending them by ſome reaſonable accommodation; but this was ſoon found to be impracticable.

A double parliament.

The continuance of this bloody civil war had exhauſted the nation ſo much, that the aſſociators (for ſo the regent's party was called) could raiſe and pay no more than a hundred horſe, and ſeven hundred foot. The ſtanding forces paid by the loyaliſts were no more than a hundred horſe, and five hundred foot, excluſive of Kirkaldy's garriſon. We are not, however, to ſuppoſe, that thoſe two bodies were the only ſtrength of the two parties; for there can be no doubt that the nobility and great landholders had their ſeparate followings, who were not in regular pay. Some unſucceſsful attempts were made by the aſſociators to ſurprize the town of Edinburgh, which induced the loyaliſts to fortify it towards the eaſt; and ſuch was the ſtate of the war, carried on by contemptible numbers, but with an infernal ſpirit of revenge and animoſity, when the parliament of both parties met, the one at Edinburgh, and the other at Stirling, towards the end of Auguſt, in conſequence of their proro-

* I meet with no mention in the laſt publiſhed Peerage of Scotland, either of this divorce or marriage, though both are very confidently aſſerted by Crawford.

gation.

gation. According to archbiſhop Spotſwood, that of the loyaliſts ſat down on the twenty-ſecond, and contained no more than two biſhops and three noblemen who were legally qualified to vote. They ventured, however, to pronounce ſentences of forfeiture againſt two hundred of the oppoſite party, in which the regent, and all the noblemen who adhered to him, were included. A. D. 1571.

The parliament of the aſſociators at Stirling made a more brilliant appearance, and met on the twenty-eighth of the ſame month. The members, in general, were diſpoſed to a coalition, to which the regent was by no means averſe; but Morton, who had now entirely devoted himſelf to Elizabeth, and was ſecure of her protection, oppoſed every meaſure that could lead to an agreement; and to render the oppoſite party more odious to the nation, he publicly gave out that they intended to reeſtabliſh popery. To give the greater ſanction to their meeting, the young king was preſent the firſt day, when the members could not avoid pronouncing ſentences of forfeiture againſt the duke of Chatleheraut, his two ſons, the earl of Huntley, Kirkaldy, and the other heads of the loyaliſts. The earls of Morton, Mar, and Glencairn, the lords Semple, Ruthven, and Glamis, the biſhop of Orkney, the abbots of Dumfermling and Inchcolm, Sir John Ballendine, juſtice-clerk, and Macgill, Proceedings of that at Stirling.

A.D. 1571. Macgill, the clerk regiſter, or any four, or three, or two of them, were commiſſioned to repair to the court of England, in order to treat of a pacification, and of a league offenſive and defenſive between the two realms; but a fatal cataſtrophe intervened.

Continuance of the civil war.

By the meeting of the aſſociators at Stirling, their forces were ſo much divided, that the loyaliſts beat them in the field, and took Haliburton, one of their chief officers, and one and fifty common ſoldiers priſoners. Gallowſes were erected for hanging them all; but they were ſpared at the interceſſion of the captors. This flight ſucceſs encouraged the loyaliſts; and if we believe the writer of Melvil's Memoirs, Kirkaldy formed a deciſive enterprize, which, had it taken effect, muſt have been fatal to the aſſociators, or have reſtored peace to his country. The project itſelf was grand, though ſimple and probable, being no other than that of ſurpriſing the members of the Stirling parliament in their beds. Kirkaldy, who was well informed of the ſecurity in which the aſſociating lords lived at Stirling, communicated his ideas to a few friends he could truſt; not as a project of revenge, but as a meaſure that could beſt anſwer the wiſhes of all good patriots. They approved of his ſcheme; but he inſiſted upon conducting the enterprize in perſon, which they oppoſed, on account of the importance his ſafety was to their cauſe; and he

he was over-perſuaded to truſt the execution of it to the earl of Huntley, lord Claud Hamilton, and Scot of Buccleugh, a young gentleman of great accompliſhments, and entirely devoted to Kirkaldy, who had ſent for him from the borders, becauſe he could truſt him in conducting the enterprize. Kirkaldy being thus diſſuaded from heading the party in peſon, earneſtly recommended to his friends, and particularly to the gallant Sir David Spence, the ſafety of the regent's perſon. A. D. 1571.

Four hundred troops, moſt of them horſe, who had been brought from the borders by Buccleugh and Farnihurſt, were allotted for executing this important ſervice; and the better to keep the ſecret, it was given out that they were intended to reduce Jedburgh to the queen's obedience. They accordingly ſet out ſouthwards, but had no ſooner loſt ſight of Edinburgh than they directed their march to Stirling, where they arrived at four in the morning, on the fourth of September, under the direction of one Bell, who was a native of the place. They entered the town without the ſmalleſt oppoſition, or even being obſerved; and the proper diſpoſitions being made by Bell, the lodgings of the regent, the earls of Glencairn, Argyle, Caſſils, Eglington, Montroſe, and Buchan, with thoſe of the lords Semple, Cathcart, and Ochiltree, were ſurrounded, and themſelves made priſoners without reſiſtance. Attempt to ſurpriſe the regent,

A. D. 1571. The earl of Morton was the only nobleman who bravely refuſed to ſurrender, and defended himſelf till he was in danger of being conſumed by the flames of his lodging. Being thus forced to yield, the party were for returning immediately to Edinburgh; but their leaders found more than half their number employed in pillaging ſhops, and breaking up ſtables, from whence the borderers carried off all the horſes. While the loyaliſts were endeavouring to collect their men, the alarm reached the earl of Mar, who was governor of the caſtle. He ſallied out at the head of thirty muſketeers; and gaining his own houſe, he fired upon the loyaliſts ſo warmly, that they were thrown into diſorder; and the townſmen running to arms to aſſiſt their governor and the captive lords, the loyaliſts all of a ſudden loſt their ſpirits, which had been raiſed too high before. Some implored the protection of their own priſoners, others threw down their arms, and others fled; ſo that the rout became general. Sir David Spence, as he had promiſed Kirkaldy, had the care of the regent, and had carried him out of the town. Being purſued by the townſmen, one captain Calder ran the regent through the body, though Sir David Spence endeavoured to ſave him at the hazard of his own life; but the townſmen coming up, he was hewed in pieces, though the regent exerted all his little remaining ſtrength in endeavouring

deavouring to ſave his life *. Few of the loyaliſts would have eſcaped, had it not been that the borderers carried off all their enemies horſes. Six, including Spence, were killed, and twenty-ſix made priſoners; among whom were Buccleugh, Bell, and Calder. The number of the ſlain on the regent's part is uncertain; perhaps they were about thirty, the moſt eminent of whom were Alexander Stewart, younger, of Garlies, and George Ruthven, brother to the lord Ruthven. A. D. 1571. defeated.

The miſcarriage of this well planned enterprize, which does ſo much honour to the genius of Kirkaldy, was chiefly owing to the obſtinate intrepidity of Morton. The words by which the conſpirators diſtinguiſhed one another were, "God and the queen, and think on the archbiſhop of St. Andrew's." No fewer than five hundred armed men, beſides the inhabitants, are ſaid to have been in Stirling when the attempt was made. The regent, though his wounds were mortal, was carried on horſeback to the caſtle, where he died a day or two after with great ſentiments of piety and reſignation, recommending to the nobility, whom he had ordered to attend him in his laſt hours, the care of the king his grandſon, and his kingdom; and charging the earl of Mar, whom he Death of the regent.

* Biſhop Spotſwood and other hiſtorians ſay that the regent was ſhot, and that the ſame ball which killed him killed likewiſe Sir David Spence, who did all he could to ſave him.

A.D. 1571. held by the hand, to comfort his wife. We have in Crawford a copy of the ſpeech which he is ſaid to have made at his death, and which was afterwards printed with many ſpurious additions. He was buried with little ſolemnity in the chapel of Stirling caſtle; nor do I perceive that his death was much regretted.

His character. The moſt partial favourers of his memory muſt admit, that though he had ſeen a great variety of life, and experienced many reverſes of fortune, yet he did not profit much by experience, and muſt have made but a poor figure in any country, had it not been for the fine figure of his perſon, and his high connections by marriage. The blame of the moſt unpopular acts of his government (the ſcandalous execution of the archbiſhop of St. Andrew's excepted) was thrown by the public upon Morton, who had an abſolute aſcendant over his diſpoſition. It was obſerved of his predeceſſor Murray, that his own hands and feet were good, but that he borrowed Morton's head. It was ſaid of Lenox, that he borrowed the ſame head, but that his right hand was Ramſay, and his left captain Crawford; and when he meanly baniſhed Ramſay, it became a common ſaying, that the regent's head had cut off his right hand. His chief fault, after all, appears to have been want of firmneſs rather than judgment; for the me-

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rits of thoſe two gentlemen are generally acknowledged. A. D. 1571.

The regent's death happening during the ſeſſion of parliament at Stirling, not a moment was loſt in electing his ſucceſſor. The candidates were the earls of Argyle, Morton, and Mar. The latter was choſen by a plurality of voices. His chief recommendation ſeems to have been the great care he had taken of his royal pupil, and his having moſt ungratefully deſerted the cauſe of his mother, who had honoured him with the higheſt confidence, and loaded him with unbounded liberality. His not having been very forward in the field on the ſide of the aſſociators, and the former ſervices he had done to Mary, rendered him leſs obnoxious to the loyaliſts than either of his two competitors; for they had long ſuſpected Argyle, and hated Morton, whoſe pretenſions were ſtrongly ſupported by the Engliſh miniſter, Randolph. Elizabeth perceiving, from the choice the Scotch nobility had made of a regent, that Randolph was deſpiſed and hated by both parties, recalled him, and nominated Killigrew to ſupply his place. He is ſucceeded by the earl of Mar.

The new regent, who was choſen the fifth of September, the very day after his predeceſſor's death, ordered Calder and Bell, who had been taken priſoners, firſt to ſuffer the torture, and then to be publicly executed. As to the baron of Buccleugh, he ſeems to have eſcaped, Edinburgh beſieged.

A. D. 1571. eſcaped, or been exchanged. The regent next, to diſtinguiſh the commencement of his adminiſtration by a ſignal exploit, prepared to reduce the caſtle and town of Edinburgh, and ordered his army to rendezvouſe at Leith, to which place he carried nine pieces of cannon from Stirling. Perceiving that the town was impracticable on the eaſt ſide, he opened a battery on the ſouth; but after making a ſufficient breach in the town wall, he found that the beſieged had been ſo induſtrious as to ſupply it with ditches and other works; which deſpairing of being able to ſurmount, he drew off his artillery, and returned to Leith. By the regent's thus retreating from the ſiege of a town which is almoſt defenceleſs, we can form no high idea of his military accompliſhments. After returning to Leith, a council was called by Morton's advice; and diſpatches were ſent to England, craving Elizabeth's immediate aſſiſtance, the king's party being then in the moſt imminent danger. Mary's friends in Edinburgh were equally earneſt with the French court to ſend them ſome troops, and repair their fortifications; but in one of the encounters, which happened daily, between Leith and Edinburgh, they had the misfortune of having two of their officers, and ſixty of their men, carried off priſoners.

Civil war in the north. The earl of Huntley ſtill continuing at Edinburgh, his brother, Adam Gordon, acted with great

great vigour in the north, as his lieutenant againſt Mary's enemies; and the regent-earl, to give a diverſion to her party, encouraged the Forbeſes, the rival clan of the Gordons, to renew hoſtilities. The ſtrength of hereditary animoſities in that country was then incredible; and the countenance given by the regent to the Forbeſes was ſuch, as determined them to compoſe all differences among themſelves and their allies, ſo as to unite them, that they might give a deciſive blow to their enemies. The acting man at the head of the Forbes clan was one Arthur, brother to the lord of that name; and he ſucceeded ſo far as to form an army to diſpute the paſſage of Adam Gordon (the ſame who had been pardoned after the battle of Corrichie, on account of his youth) ſouthward to his brother's aſſiſtance. An engagement enſued, in which Arthur was killed, with a hundred of his followers, at a place called Tulliangus. The ſurviving Forbeſes acquainted the regent of their diſaſter; and he ſent them two hundred regular troops under the command of two officers, Chiſholm and Wedderburn. The loyaliſts, at the ſame time, ſent Sir James Kirkaldy with another party to ſupport Adam Gordon; but the latter, diſdaining any aſſiſtance, ſuffered Kirkaldy to repair to France to ſollicit that king for immediate aſſiſtance to Mary's friends. The Forbeſes, after receiving their

A. D. 1571.

A. D. 1571. their reinforcement, marched to the head-quarters of the Gordons, at Aberdeen; but they were again defeated, three hundred were killed, and two hundred were taken priſoners, among whom was the lord Forbes's eldeſt ſon; and many more muſt have been deſtroyed, had not the humanity of Adam Gordon interpoſed. The ſucceſs of this engagement had great effects in the north of Scotland in favour of Mary; and the regent gave a commiſſion to the earl of Crawford, the lords Ruthven, Glamis, and Keith, to ſuppreſs Adam Gordon, whoſe gallant behaviour had reduced all the north country to Mary's allegiance, and who was then beſieging the houſe of Glenbervy in the Merns *.

Succeſſes of the Gordons.

The regent's army was then lying at Brechin, and had taken poſſeſſion of the bridge over the Eſk. Gordon leaving his foot in their trenches, ſurpriſed the detachment upon the Eſk with his horſe; and having now a clear paſſage to Brechin, he divided them into two parties, that the city might be attacked in ſeparate quarters; but the night being exceſſively dark, one of the diviſions never came to action, but returned homewards. Gordon notwithſtanding forced his way into Brechin; and had he not inadvertently ſuffered his trumpets to ſound, he muſt have made all his enemies priſoners. Three hundred horſe eſcaped, no more than forty-nine

* Crawford ſays that the regent's army was commanded by Douglas earl of Buchan.

were

were killed, and a hundred and ninety taken. A.D. 1571.
Early next morning, Gordon ordered all his priſoners to appear before him; and after making a generous humane ſpeech, he diſmiſſed them upon their ſwearing (which they did with great readineſs) never to carry arms againſt the queen, and to recognize him as her deputy-lieutenant. It unfortunately happened that all Gordon's officers were not endowed with his noble principles; for one of them, Ker, burnt the caſtle of Towie, which was defended by a lady, who with thirty-ſeven of her family were conſumed in the flames.

All this while the war was raging in other parts of Scotland. The loyaliſts made themſelves maſters of the once ſtrong caſtle of Broughty, and the town of Jedburgh; but were rather unfortunate in their operations about Edinburgh, where Morton, who kept his head-quarters at Dalkeith, continued the blockade of the capital. Every corner of the nation was in like manner filled with tumults and bloodſhed; but as the particulars do not fall within general hiſtory, I am now to attend Mary's affairs in England.

Publications relating to Mary.

About two years before the time I now treat of, the biſhop of Roſs had printed and publiſhed a book, with the aſſiſtance of Mary's friends, in defence of her honour, which was now reprinted at Liege, under the name of Morgan Philips, with additions; in which the author abſolutely

A. D. 1571. contradicted the authority of Hubert's confeſſion, as well as the ſilver-box papers. I mention this, chiefly becauſe no reply was made by Buchanan, or by any of Mary's enemies, to Leſley's arguments; though he ſays in direct terms, that Hubert at his death acquitted Mary of being acceſſary to her huſband's murder. When Leſley became obnoxious to Elizabeth, he was queſtioned by the council of England upon many particulars in that book, but upon none relating to Hubert's confeſſion; ſo that we may fairly preſume, if ſuch a confeſſion exiſted, that it had been forced from him by torture, and that he retracted it at the hour of his death. This is the more probable, as Elizabeth, could ſhe have depended on ſo ſtrong an evidence as Hubert's confeſſion, muſt have been highly pleaſed with ſuch a proof of her guilt, as ſhe was now more exaſperated than ever againſt Mary and her miniſters, but eſpecially Leſley. This was occaſioned by the diſcovery ſhe had made from the papers that had been ſeized at Dumbarton, and which were of ſuch importance that they were reclaimed by the French court; but Elizabeth refuſed to deliver them up. One Baily, a Fleming, who had been employed by Leſley in printing the Liege edition of his book, and bringing ſome copies of it to England, was ſeized about the ſame time; and though he was a faithful ſervant to Mary, yet the fear of the rack had extorted from him

Murden's State Papers, p. 19.

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ſome diſcoveries; particularly that Rudolphi, in his journey to Rome, had an interview with the duke of Alva, who ſtill intended to invade England. Leſley, without being daunted by the impriſonment and confeſſions of Baily, boldly remonſtrated to Elizabeth upon the injuſtice done his miſtreſs by the ſurprizal of Dumbarton, and deſired her to interpoſe her authority with her friends in Scotland, to ſave the archbiſhop of St. Andrew's: this Elizabeth flatly refuſed to do; and intimated to him, that ſhe had made diſcoveries which would ſoon deprive him of all benefit from his public character. Mary, about this time, ſuſtained a conſiderable loſs by the death of Sir Nicholas Throgmorton. That great ſtateſman, after being releaſed from his impriſonment at London, was, by the earl of Leiceſter's intereſt, removed to his houſe at Carſhalton, in Surry. Being releaſed from that confinement, he was invited to an entertainment by the earl of Leiceſter, where he ſuddenly died; and the public did not ſpare to load that nobleman, who was very expert in the art of poiſoning, with the blame of his death, leſt he ſhould have made diſcoveries to his diſadvantage, in the affair of the match between Mary and the duke of Norfolk. A.D. 1571.

Elizabeth now reſumed her never-failing expedient of throwing herſelf out as a bait to the court of France; and ſhe inſtructed her ambaſſador, Walſingham, that, being ſenſible ſhe Elizabeth's marriage-project reſumed.

A.D. 1571. had no ſafety but in marriage, ſhe had no objection to the duke of Anjou as a huſband. The diſſimulation of the French king and his mother was equal to that of Elizabeth; and they liſtened to the propoſal with ſeeming pleaſure, that they might meet with the leſs oppoſition in the barbarous maſſacre they ſoon afterwards committed. Elizabeth, on the other hand, wanted to prevent the intrigues of the French court in favour of Mary; and both obtained their ends, at the expence of that unhappy princeſs. Elizabeth's diſſimulation was ſo profound and ſo well carried on, that Leiceſter was the only perſon about her court who diſcovered it. Leſley, it is true, together with the pope's nuncio, and the ambaſſadors of Spain and Portugal, did all they could to break off the match, leſt France and England ſhould enter into a league offenſive and defenſive againſt Spain. Elizabeth had this greatly at heart; and Walſingham was inſtructed to negociate ſuch a league, which was to be valid, whatever became of the marriage. It was ſome time before Walſingham, penetrating as he was, diſcovered, that notwithſtanding all appearances to the contrary, the courts of France and Spain had never been more intimately connected than they were at that very period.

Letter from Leiceſter to Walſingham, July 8.

Mary, notwithſtanding her being now cloſe confined, her domeſtics reduced to the number of ten and a prieſt, and herſelf precluded from

Proceedings of the Engliſh parliament.

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all correſpondence, excepting what was examined by her keepers, found means to animate the political machine which threatened the extinction of the proteſtant religion in Europe. As that was the actuating principle of France and Spain, their great object was to place Mary on the throne of England. Elizabeth diſcovered this, by means of Walſingham and her other miniſters. She now raiſed many objections, moſt of them religious, againſt her marriage with the duke of Anjou, as the French king did to the league offenſive and defenſive, unleſs Mary was comprehended in the ſame; which Elizabeth refuſed to agree to, becauſe it would be a tacit diſowning of the young king of Scotland's authority. Elizabeth's ſuſpicion of the French court's ſincerity was encreaſed by the ſeizure of lord Seaton's papers on board a ſhip, by which it was diſcovered that he had carried twenty thouſand crowns from the French king to Mary's friends in Scotland. Other money was tranſmitted for her own private uſe; but it was ſeized by Elizabeth's orders, and never returned, though it was reclaimed by the French ambaſſador. A.D. 1571.

In the ſpeech made by the lord keeper, this year, at the opening of the Engliſh parliament, he took particular notice of the expences the government had been at in overawing Scotland. In this ſeſſion, the affair of Mary's eventual right to the crown was very hotly debated. Her friends April 2.

A. C. 1571. friends inſiſted upon the invalidity of Henry the eighth's ſettling by his will (if he made one) the right of ſucceſſion to his dominions. Their opponents warmly eſpouſed the validity of that will, and abſurdly inſiſted, that in conſequence of it the family of Gray's right was preferable to that of Mary, who could in no caſe ſucceed, becauſe ſhe was an alien, and not born within the allegiance of England. Elizabeth diſliked both ſides of the debate. She was an enemy by principle to the Gray family, and, through prudence, to any declaration being made in favour of Mary. All her aim was to leave the ſucceſſion undetermined; and ſo very ſkilful was ſhe in balancing parties, that ſhe obtained an act, declaring it to be high treaſon "for any to hold or affirm, that the common law of the realm (not altered by parliament) ought not to direct the right of the crown of England; or that the queen, by the authority of the parliament, might not make laws and ſtatutes of ſufficient force and validity to limit and bind the crown of this realm, and the deſcent, limitation, and government thereof."

The above, however, was not the only blow aimed againſt Mary; for the ſame bill contained a clauſe which rendered it high treaſon to compaſs, imagine, or invent "the queen's death, or any bodily harm tending to death, maiming or wounding her royal perſon; or to deprive, or depoſe her from the ſtyle, honour,

or

or kingly name of the imperial crown of this realm; or to levy war againſt her, or to move any foreigners, or ſtrangers, with force to invade this realm, or that of Ireland; or to utter or declare, by any printing, writing, cyphering, ſpeech, or words, that the queen is not, or ought not to be, queen of this realm, and of the realms of France and Ireland; or that any other perſon ought, by right, to be king or queen of the ſame realm; or that ſhould, by writing, printing, ſpeech, &c. publiſh, ſet forth, and affirm, that queen Elizabeth is an heretic, ſchiſmatic, tyrant, infidel, or uſurper of the crown of the ſaid realms. And, further, ſuch to be utterly diſabled, during their natural lives, to have or enjoy the crown of England, or any ſtyle or title thereof, (this was aimed at the queen of Scots) at any time in ſucceſſion, or whatever degree, condition, place, &c. they be, that in any wiſe claimed, or pretend themſelves to have a right or title to the crown of England, in the life of queen Elizabeth; or ſhould uſurp the royal ſtyle, title, or dignity of this crown; or ſhould hold or affirm that the queen had not right to hold or enjoy the ſaid crown and realm; or, after any demand, ſhould not acknowledge her to be, in right, true and lawful queen of thoſe realms." A.D. 1571.

The ſame act provided againſt ſeditious and contentious ſpreading abroad of titles to the ſucceſſion of the crown; "and againſt books or works,

A. D. 1571. works, printed or written, that did directly or expreſly declare and affirm, before any act of parliament was made to eſtabliſh and confirm the ſame, that any one particular perſon is, or ought to be, the right heir and ſucceſſor to the queen's majeſty, except the ſame be the "natural iſſue of her majeſty's body;" or ſhall publiſh, or ſet abroad, any book or ſcrolls to that effect; or the abettors and counſellors of ſuch, upon pain of impriſonment, and forfeiture of half his goods for the firſt time."

Obſervation. It is obſerved by Mr. Camden, that it was a general opinion that the earl of Leiceſter procured the words "natural iſſue of her majeſty's body" to be inſerted in this act, in order to entitle her natural children (if Elizabeth had any by him) to ſucceed to the crown. That Elizabeth and her miniſters had ſome regard to ſuch an event can ſcarcely be doubted, when we reflect, that while the treaty of Chatſworth was in dependence, Mary contended for the ſucceſſion of her lawful iſſue, inſtead of "any iſſue;" nor could the Engliſh commiſſioners be brought to admit of Mary's emendation farther than by agreeing to limit the ſucceſſion to Elizabeth's iſſue by a lawful huſband. Thus if Leiceſter, or any other perſon, had ſpurious iſſue by her, and afterwards became her lawful huſband, ſuch children became entitled to the ſucceſſion. Before this parliament broke up, the earl of Weſtmoreland, and fifty-ſeven other perſons,

Vide antea, p. 299.

perſons, who had been engaged in the northern rebellion, were attainted. Nothing could equal the rage of the members againſt Mary. Several motions were made for rendering her ſubject to the laws of England, in the ſame manner as any native in the caſe of treaſon; but Elizabeth as yet diſcouraged all ſuch motions, becauſe ſhe daily expected legal proofs of Mary's practices againſt her crown and perſon. A. D. 1571.

Rudolphi, the Florentine, was now deeply engaged in the meaſures for Mary's deliverance. She furniſhed him with letters of credit upon the duke of Norfolk, who remained ſtill in a ſtate of confinement at his own houſe, but carried on a correſpondence with Mary through Leſley. The duke's natural timidity was at perpetual variance with his love and ambition; and no man could be worſe ſuited than he was for the part he had undertaken. At firſt he refuſed to ſee Rudolphi; but he received by Leſley letters from Mary written in cypher, containing tranſcripts of all her foreign correſpondence which ſhe carried on by that Italian. The duke ordered his ſecretary, Higford, to decypher thoſe letters, and then to burn them; which either through treachery or negligence he omitted to do, and hid them under the mats of his chamber, where they were afterwards diſcovered. Leſley was ſo importunate with the duke, that the latter at laſt conſented to ſee Rudolphi, who laid before him the ſcheme which Rudolphi's intrigues.

A.D. 1571. he had concerted with Mary, and which he was to lay before her friends abroad. It was in ſubſtance, that the duke ſhould raiſe a rebellion in England, which was to be favoured by a deſcent of ſix thouſand Spaniſh foot, and four thouſand horſe, who were to land at Harwich, under the command of the duke of Medina Celi, the duke of Alva's ſucceſſor in the Spaniſh government of the Low Countries. Rudolphi further informed Norfolk, that the court of France, finding how inſincerely Elizabeth had behaved in the affair of her marriage with the duke of Anjou, was ready to favour the invaſion; that the pope had conſented to remit large ſums to the inſurgents; and that no harm was intended to Elizabeth, provided ſhe agreed to the match between him and Mary, and to a toleration of the Roman catholic religion in England.

The duke of Norfolk, notwithſtanding Rudolphi's plauſibility and Mary's deſire, refuſed to give him any letters of recommendation to foreign powers. Rudolphi, to get the better of his ſcruples, put into the duke's hands a liſt of Engliſh noblemen and gentlemen, who he ſaid had engaged themſelves in Mary's cauſe, and were ready to join in the riſing. This made an impreſſion upon the duke; but ſtill I do not find that he gave Rudolphi any written recommendation, though he conſented that he ſhould proceed in the commiſſion he had

had received from Mary, and make uſe of his name to her friends abroad. It afterwards appeared by the examination of Barker, the duke's principal ſervant, that Rudolphi did put into the duke's hand a letter from the pope, approving of his marriage with Mary, and beginning with the words "Dilecte Fili," beloved ſon." A.D. 1571.

Rudolphi having taken leave of the duke of Norfolk, had a freſh interview with the duke of Alva, who remained ſtill in the Spaniſh Netherlands, and who ordered him to write letters in his name to the Spaniſh embaſſador in England, the duke of Norfolk, the biſhop of Roſs, and lord Lumley, ſignifying his approbation of Rudolphi's ſchemes. Theſe were the letters which had been intercepted by the lord Cobham, who ſent the moſt dangerous packet to Leſley himſelf. Enough, however, was diſcovered to give Elizabeth's miniſters an inſight into Mary's dangerous practices. It thereby appeared, that the duke of Norfolk had actually written to the pope; but I find by Higford's after-examination, that this letter had been forged in cypher, and ſigned with the duke's name by Leſley, to quicken the pope, and the Roman catholic powers on the continent, in Mary's cauſe. Leſley being informed that Baily had been racked in the Tower, and had made diſcoveries, ſecreted his principal papers; and though he underwent a

The duke of Norfolk betrayed and impriſoned.

A. D. 1571. ſtrict examination before a committee of the council, they could not find matter ſufficient to proceed capitally againſt him, though he certainly had been earneſt with the duke of Norfolk to take arms and break up the parliament; but the duke had rejected the motion with horror. This, and ſome other favourable circumſtances, had procured the duke his liberty, upon his giving an obligation under his hand to Elizabeth, that he would give over all farther dealing with Mary, and all thoughts of the marriage. The intelligence of the Engliſh miniſtry was, however, ſo good, that they diſcovered a large ſum had been ſent from France to Mary, who remitted ſix hundred pounds of it to the duke of Norfolk, for the uſe of her friends in Scotland. The ſervant who was employed to carry the money, gave information of it to the government; upon which Higford and Barker, and the duke's other principal ſervants, were committed priſoners to the Tower of London, and they ſoon confeſſed all that Elizabeth wanted to know. Higford put into her miniſters hands all the original papers and letters which had been ſent by Mary and the biſhop of Roſs to the duke; and either by applying, or threatening, the rack, Barker, who was an old man, confirmed Higford's teſtimony.

Examination againſt him.

Elizabeth, the moment thoſe diſcoveries were made, reſolved to proceed capitally againſt

againſt the duke of Norfolk, who, knowing nothing of the diſcoveries that had been made by his ſervants, underwent an examination at the council-board, where he denied every allegation urged againſt him. He was, upon this, committed to the Tower of London, as were the earls of Arundel and Southampton, with the lords Lumley and Cobham, Banniſter, the duke's counſellor at law, Sir Henry Piercy, and four other gentlemen of note, on the ſeventh of September. The more the council enquired into this conſpiracy, they had the greater cauſe to be alarmed. It appeared from the letters which had been produced by Higford, that there had been ſome difference among Mary's friends abroad concerning her marriage. The court of Spain, on whom ſhe had great dependence, importuned her ſtrongly to make don John of Auſtria her huſband; but the court of France equally favoured Norfolk; and there is reaſon to believe that a contract of marriage was actually drawn up between him and Mary, and ſigned by both, though we cannot well ſuppoſe that it ever was conſummated. In the courſe of the examination, Sir Thomas Stanley, Sir Thomas Gerrard and Rolſton, whom we have already mentioned, were found to be concerned; and they were committed to the Tower, as Leſley was a ſecond time to the cuſtody, firſt, of the biſhop of Ely, and then of the lord-mayor. The lord A. D. 1571.

A. D. 1571. lord Cobham and his brother, who were likewiſe in cuſtody, ſoon regained their liberties, nothing of any moment appearing againſt them. Sir Henry Piercy had complained that Elizabeth had failed in her promiſe to put him in poſſeſſion of his brother's eſtate, and offered to Leſley to ſet Mary at liberty; but the propoſal was rejected by the duke of Norfolk. In ſhort, Mary fell a ſacrifice to that nobleman's irreſolution, as he did to Leſley's heat and impetuoſity.

On the fifth of September, the duke was again examined in the Tower by a committee of the council. He ſtill continued to inſiſt upon his innocence; but when the examinations of his ſervants were produced againſt him, his ſpirit and firmneſs forſook him, ſo that he behaved in the moſt abject manner; and the confeſſions he made were confirmed by thoſe of all the noblemen and gentlemen who had been impriſoned on the ſame account. Two days after, he was examined upon almoſt a hundred articles, all of them tending to the facts I have already related, and containing a detail of all his proceedings with Mary from September 1568. This examination produced new diſcoveries, particularly that he had received two letters of treaſonable importance from the pope; and that he, the late earl of Pembroke, and lord Lumley, had held ſeveral converſations together about ſurprizing the

Tower

Tower of London. Elizabeth thought proper to publiſh all the charge againſt the duke, and likewiſe his confeſſion; copies of which ſhe ſent to the lord-mayor and court of aldermen of London, that they might be communicated to the ſeveral wards and companies of the city. This publication ſomewhat allayed the national diſcontent, on account of the duke's impriſonment, and that of ſo many noblemen and gentlemen. The general indignation turned ſtrongly againſt the biſhop of Roſs, who was conſidered as the chief incendiary; and on the twenty-fourth of October he was examined before a committee of the council, at the head of which was the earl of Bedford. He behaved with great calmneſs and intrepidity; and though the reſolutions of the civilians againſt conſidering him as an embaſſador were ſhewn him, he ſtill inſiſted that he was the embaſſador of an abſolute queen, who was unjuſtly depoſed, and had, according to his duty, carefully endeavoured the delivery of his princeſs, and the ſafety of both kingdoms; that he came into England with the full authority of an embaſſador, under public warrandiſe, which he had produced; and that the ſacred privileges of embaſſadors are by no means to be infringed. He continued for ſome days very firm to thoſe principles; and the ſafe-guard he produced being very ample, the committee were under ſome difficulties A. D. 1571.

how

A. D. 1571. how to proceed, eſpecially as Elizabeth had not yet formally acknowledged the validity of Mary's reſignation.

Leſley's Negociations. Leſley is forced to make diſcoveries.

The commiſſioners, however, were not to be diverted from their purpoſe, which they knew their miſtreſs had greatly at heart; and at laſt they plainly told him that they not only looked upon him as a private perſon, but that they would order him to the rack, if he perſiſted in his obſtinacy not to be examined. Even this terrible menace did not daunt Leſley. He put them in mind of the practices of Randolph and Tamworth, the Engliſh miniſters in Scotland, which, though plainly diſcovered, brought them under no heavier a penalty than their being obliged to leave the kingdom. All his remonſtrances were in vain; and he, at laſt, was committed cloſe priſoner to the Tower. The character of Elizabeth and her miniſters gives us no room to doubt that they would have executed their threatenings, had they not been apprehenſive of the conſequences among Mary's friends abroad and at home; and they reſolved to ſoften their manner towards their priſoner. His next examination, therefore, which was before the lord-admiral, lord Burleigh, Sir Francis Knolles, and Sir Thomas Smith, was ſomewhat more mild. The commiſſioners informed him, that their miſtreſs diſapproved of the roughneſs that had been ſhewn him by the former committee;

that they did not expect he ſhould diſcover more than had been already confeſſed by the Engliſh noblemen and gentlemen already in cuſtody; that nothing he ſaid upon his examination ſhould be brought in evidence againſt any other perſon; and that if he did not ſubmit, Elizabeth was reſolved that he ſhould be immediately put to death as a private man, and a traitor. If we are to believe Leſley himſelf, they then produced to him all the examinations and confeſſions of the duke of Norfolk's friends and ſervants, which Leſley knew to be true, and he then ſubmitted to an examination; but through the whole of it, tho' he did not deny the points which he ſaw had been plainly proved by other confeſſions, yet he treated the caſe of the duke of Norfolk with the greateſt tenderneſs; and endeavoured, by his addreſs, to perſuade the commiſſioners that his grace and his noble friends, notwithſtanding their attachments to Mary, had always behaved as good ſubjects to Elizabeth. A. D. 1571. Leſley's Negociations.

Such is the light in which Leſley's conduct, at this critical juncture, has been placed by himſelf. His own and all the examinations he ſpeaks of, have been lately publiſhed from the originals; and they are large, tedious, and tautologous. We ſee through the whole of them abundance of evaſions, and great regard at firſt for the noble parties concerned; but the dread of the rack is equally diſcernible; Murden's State Papers. Their conſequences.

A. D. 1571. and every new examination produces new diſcoveries to the prejudice of the noble perſonages. Whatever Leſley may pretend, we can eaſily ſee that he was, at laſt, rendered as pliable as the reſt of the party; and though I do not find that he expreſly charged the duke of Norfolk as being actually engaged in any deſign againſt Elizabeth's perſon, yet he confeſſes enough to prove that he correſponded, tho' cautiouſly, with Rudolphi, and the Roman catholic powers on the continent; and that he only delayed the inſurrection in England, till he ſhould know their ſentiments, and be aſſured of aſſiſtance from abroad. On the eighth of November, he obtained leave to write Mary an account of his diſcoveries, which he did,

Ibid, p. 54. in a letter that has been ſince publiſhed; and it is eaſy to perceive that he confeſſed all he knew of the intended invaſion, and the duke of Norfolk's practices. A letter in the ſame collection, and dated the ſame day, from Sir Thomas Wilſon, one of Elizabeth's ſecretaries, leaves it without a doubt (if Wilſon can be believed), that Leſley was prevailed upon to betray Mary's cauſe, and to ſpeak of her in the ſame (and indeed worſe) language as had been uſed by her bittereſt enemies. It is evident, at the ſame time, that the converſation there mentioned had been extorted from Leſley by fear; for he is made to ſay that Mary poiſoned her firſt huſband the French king;

and

and that ſhe brought Bothwell to the field (meaning, we ſuppoſe, that of Carberry-hill) on purpoſe to be murdered: ſurmiſes that never were heard of before, and which confute themſelves. A. D. 1571.

By other letters addreſſed from Leſley to lord Burleigh, it ſeems as if Mary was not ſatisfied with the apology which Leſley had made to her for his own conduct. When Leſley's examinations were compared with thoſe of Norfolk, his friends and ſervants, they agreed entirely; but Elizabeth was of opinion, that he had not been explicit enough with regard to the Engliſh lords, who were engaged in the project of breaking up the parliament. According to Leſley's own account, when he was examined on thoſe heads by the earls of Leiceſter and Bedford, and other counſellors in the Tower, he ſaid, with great firmneſs, "that the fear of death ſhould never prevail upon him to accuſe innocent perſons;" and the council accordingly deſiſted from preſſing him farther on that ſubject. His anſwers to this examination give us no ſuch idea of his honour and courage; for though he does not ſay that he had any converſation with the duke of Norfolk on that head, yet enough appears, from his examination, to have convicted him of treaſon. The truth is, the weakneſs and irreſolution of the duke is conſpicuous thro' the whole of this affair; and he was every

A.D. 1571. day committing treaſon againſt Elizabeth, without his knowing it to be ſuch. The hiſtories of the times are very full with regard to his trial and condemnation. Such parts of the former as claſh with the principles of the Engliſh law, do not properly fall into this hiſtory. I cannot but think, however, upon a candid peruſal of his confeſſion, and thoſe of his dependents, that as an Engliſh ſubject, he was highly criminal; nor do I find that any one article, upon which he was accuſed, was aggravated to his prejudice.

1572. Trial and condemnation of the duke of Norfolk.

The year 1572 was opened in England by the duke of Norfolk's trial in Weſtminſter-hall, before twenty-ſix of his peers, the earl of Shrewſbury acting as high-ſteward. The ſubſtance of the articles on which he was tried were as follow:

That in the eleventh year of queen Elizabeth, and afterwards, he had entered into a treaſonable conſpiracy about depoſing her from her throne, and taking away her life, and invading the kingdom, by raiſing war, and bringing in a foreign power.

That though he knew for certain that Mary, late queen of Scots, had uſurped the crown of England, with the title and arms thereof, yet he had treated about a marriage with her, (without acquainting the queen) and had lent her a great ſum of money, contrary to what he had promiſed under his hand,

That

That though he was ſure that the earls of Northumberland and Weſtmoreland, Markenfield, and others, had raiſed a rebellion againſt the queen, and were driven into Scotland, yet he had ſupplied them with money. A. D. 1572.

That in the thirteenth year of the queen's reign, he had, by his letters, craved auxiliary forces of pope Pius the fifth, the queen's profeſſed enemy, of the Spaniards, and the duke D'Alva, to ſet the queen of Scots at liberty, and reſtore the popiſh religion in England.

Laſtly, That he had relieved Herries the Scot, and other the queen's enemies in Scotland.

Remarks upon the evidences againſt him.

The duke's defence to this charge was but weak; and, in fact, his condemnation had been ſealed by his own confeſſions, and thoſe of his ſervants. When the laſt article came to be proved, the duke put the following queſtion to the judges: Whether the ſubjects of another prince in confederacy with the queen of England, were to be reputed her enemies? Catline, the lord chief-juſtice, gave it as his opinion that they were; and that the queen might wage war with any duke of France, yet, at the ſame time, be at peace with the French king. I ſhall not pretend to ſay how far this opinion agrees with the treaties between Scotland and England, which ſtipulated, that the prince injured by the private ſubjects of the other, was to complain of the injury to the ſovereign,

A. D. 1572. ſovereign, who is to give redreſs. If the lord Herries, however, actually aided and abetted Elizabeth's rebels, and received money on that account from the duke, the latter was undoubtedly guilty of treaſon; and I find it was upon that principle, which was urged by the queen's ſerjeant, that Catline founded his opinion. A letter of Leſley to Mary, during the conferences at York, was produced, to ſhew that the duke at that time betrayed the commiſſion with which he was entruſted, by his ſecret dealings with Mary's agents. A letter from the earl of Murray, to the ſame purpoſe, was likewiſe produced, as were ſome of Leſley's confeſſions; a proceeding which was unpardonable (if what Leſley ſays is true, of his having ſtipulated that nothing he confeſſed ſhould be brought in evidence). I have, however, ſome difficulty in believing that fact, becauſe Elizabeth's miniſters had the power of applying the rack, and conſequently were under no neceſſity of making any ſuch previous ſtipulation. I am the more confirmed in this opinion, as I find no mention made of any ſuch preliminary ſtipulation in Leſley's letter to Mary, dated the eighth of November, after he had made all his diſcoveries.

His confeſſion. The duke, during his trial, is ſaid to have behaved with great decency; but ſtill denied his having intended any violence to the perſon of Elizabeth. Being remanded back to the

the Tower of London, he wrote many ſupplications, in the moſt abject ſtrain, to Elizabeth for mercy. He complained of having been betrayed by Leſley and his ſervants; and his behaviour was ſuch as touched Skipwith, to whoſe cuſtody he was entruſted. Burleigh, though he knew his doom was ſealed, affected to be his friend, as did ſeveral other of the privy-counſellors, to whom he ſent preſents of jewels and curioſities. Finding he received but cold, or general, anſwers to all his applications, he wrote, on the twenty-ſixth of February, a full confeſſion of the principal charges againſt him, which the reader will find in the note *. Upon his being taken A. D. 1527.

* Firſt, For that I did arrogantly preſume, without her highneſs's privity, to enter into dealing with the queen of Scots, which became not me, nor no ſubject to have done; nor is it any excuſe for me to ſay, that I was perſuaded thereunto. If I had been mindful of my duty, as I ought to have been, there ſhould no perſons, whatſoever they were, nor of what great credit ſoever, have perſuaded me ſo far to forget myſelf, which fault alſo I encreaſed more; for after her majeſty had commanded me to the contrary, and that I had promiſed to deal no further therein, yet I very diſobediently entered into the cauſe anew, and both ſent and received writings to and from the ſaid queen, beſides dealing with the biſhop of Roſs, her miniſter. After this, I made a ſubmiſſion to her majeſty under my hand and ſeal, never to deal further in that my unhappy courſe; contrary to the which, nevertheleſs, to my utter ſhame, I had dealings anew. I received alſo, and was made privy to certain letters, which ſtood not with my duty to have concealed, touching the ſending of Ridolpho; to the which, although I gave no conſent, yet it became me not, after I knew that there was no good meaning in them to my ſovereign, to deal with them, and ſpeak with Ridolpho, and conceal the ſame, as I moſt undutifully did. After this alſo, when Barker brought two letters from the pope,

A. D. 1572. from the bar, and remanded to the Tower, Elizabeth affected to entertain ſome thoughts of reſpiting the ſentence; but this probably was with no other view than to know her parliament's ſentiments of his caſe.

His death and character. These were far from being favourable; for when the members met on the eighth of May, they were ſo heated with the diſcoveries that had been made at Norfolk's trial, that in a conference between the two houſes on the ſixteenth of the ſame month, they came to a reſolution, that it was neceſſary execution ſhould be done on the duke of Norfolk; and they laid this reſolution before Elizabeth, not by way of petition, but as a meaſure that muſt abſolutely be purſued. Elizabeth made no imme-

pope, as he ſaid, at two ſeveral times, although they were verbatim all one; and alſo a letter from Ridolpho, as he likewiſe ſaid; I read them and concealed them, although I was angry with the bearer for bringing any ſuch writings to me; but that was not ſufficient for the diſcharge of my duty. I did alſo conſent for the conveying in of a letter at one time into Scotland; and laſtly, both by money and letters from the French embaſſador to the lord Harrys and others, in doing whereof I did much forget myſelf. But, alas! my undutiful parts were ſo many, as I fear I do not remember them all. And how could I in my conſcience think that my peers could do otherwiſe, but as they did? conſidering theſe foul facts committed by myſelf without contradiction, and the ill preſumptions that I gave thereby to the better credit of my falſe accuſers. Seeing I confeſs myſelf faulty in this my ſhameful offences, what can it help me to deny ſome untruths that I was charged withal; as for rebellions, invaſions, writings, or ever commanding or conſenting to foreign princes, or being privy to money to be ſent or divided amongſt the rebels, or any thing to be known hurtful to this city? Murden's State Papers, p. 174, 175.

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diate anſwer to this reſolution, which was ſo agreeable to her own ſentiments; but the enthuſiaſm and wickedneſs of her enemies ſoon gave her an additional pretext. Several plots were laid for Norfolk's deliverance; but three deſperate ſoldiers of fortune, after various propoſals among themſelves, offered to aſſaſſinate both Elizabeth and Burleigh; and (as they pretended) were encouraged by the Spaniſh embaſſador and his ſecretary. The names of the three aſſaſſins were Berney, Mather, and Herle. The conſpiracy was diſcovered by the latter; and the other two, after making ample confeſſions, were tried and executed. Elizabeth, for ſome time after thoſe tranſactions, continued her backwardneſs to ſign the order for Norfolk's execution. At laſt, pretending ſhe could no longer reſiſt the voice of her people, the warrant was ſigned, and he was brought to the ſcaffold on the ſecond of June. In the ſpeech which he made there, he acknowledged the juſtice of his ſentence, and diſclaimed the imputation which had been thrown out againſt him, as if he was inclinable to popery. He owned that he had conferred with Rudolphi, but not to the queen's deſtruction. He was interrupted in his ſpeech in a moſt bruſtal manner by the ſheriff and his officers, upon which he ſubmitted to the fatal ſtroke with a becoming firmneſs, but refuſed to have his eyes covered, being (as he ſaid) fearleſs of A.D. 1572.

A. D. 1572. death. The reader, from the narrative I have already given, may eaſily perceive, that there was not, perhaps, a man in England ſo unfit as this duke for the dangerous part he had undertaken. From the ſtate papers it appears, that his beſt friends, both at home and abroad, exclaimed againſt his cowardice; and even Mary herſelf, though ſhe behaved towards him with moſt unexampled fidelity, thought that the continuance of her impriſonment was owing to his want of activity and reſolution. But I muſt now return to Scotland.

Barbarity of the civil war in Scotland.

The civil war in that country continued unabated, during the winter of the laſt, and beginning of this, year. Lord Ruthven was ſent by the regent, earl of Mar, to quell the commotions raiſed by the barons of Farnihurſt and Buccleugh on the borders, which he did with great ſucceſs; for though the inſurgents were numerous, they were without arms or diſcipline. Morton ſtill kept his head-quarters at Dalkeith, and daily ſkirmiſhes happened between his ſoldiers and thoſe under Kirkaldy, in the neighbourhood of Edinburgh. The caſtle of Blackneſs fell into the hands of the royaliſts, who threatened to beſiege Dundee; and the lord Methven, a wiſe and moderate nobleman, was killed by a cannon-ball from the caſtle of Edinburgh. The lord Seton narrowly eſcaped falling into Morton's hands, with a freſh ſupply of money which he had brought

brought from abroad; but the regent's, or rather Morton's, military cheſt was taken by the loyaliſts. This exaſperated their enemies ſo much, that they not only deſtroyed the eſtates of Mary's friends in Fife and the Lothians, but hanged or branded the country people who ventured to ſupply the garriſon, or the capital, with proviſions. The loyaliſts made reprizals in the ſame manner; and at laſt both parties became ſo furious by the mutual barbarities they exerciſed, that we are told by a contemporary authority, that from the ſixteenth of April to the eighth of June following, every priſoner which either party took, of whatever rank or quality, was hanged. The loyaliſts, however, ſeem to have been the moſt ſucceſsful in thoſe bloody ſcenes; for by throwing garriſons into the caſtles of Nidrie, Blackneſs, and the town of Levingſton, they reſtored the communication between Edinburgh and the country. A.D. 1572.

Unpopular and baſe conduct of Morton.

Morton at this juncture, though, in fact, the moſt powerful, was the moſt unpopular man in Scotland. He was hated by the clergy for his profligate life, and he had actually tortured and put to death one of them for ſpeaking too freely from the pulpit of his crimes. His avarice was equal to his profligacy; for he entertained a private correſpondence with the counteſs of Northumberland, who reſided in the Low Countries; and would

A. D. 1572. have ſet her huſband at liberty, had ſhe been able to raiſe the exorbitant ſum he demanded for his ranſom. I am apt to believe, that Elizabeth, who was now on very good terms with the court of France, knew of this correſpondence; for ſhe ordered her embaſſador, Killigrew, who had been ſent to aſſiſt and ſucceed Randolph in Scotland, to demand that earl's perſon to be delivered to the lord Hunſdon; and it is generally agreed, that Morton had a pecuniary compenſation for his compliance. The unhappy earl was carried from Berwick to York, where he was beheaded.

The regent enters into meaſures with the loyaliſts.

The ſacrifice of this nobleman, in a manner that was ſo diſgraceful to the country, was reſented by the wiſeſt and moſt independent of the king's party; and after Killigrew's arrival in Scotland, it was eaſy for the regent to perceive that Morton was the only perſon whom Elizabeth truſted in that nation for the continuance of its calamities. The regent ſeeing himſelf thus little better than a deputy to Morton, entered into a ſecret negociation with Maitland and Kirkaldy, and the other capital friends of Mary, for compromiſing all matters in diſpute amongſt them, when Le Croc arrived in Scotland with a commiſſion from his court to aſſiſt the two Engliſh embaſſadors in bringing about a pacification. This negociation was the reſult of Elizabeth's councils. She perceived the ſuperiority of the loyaliſts

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in Scotland, through the aſſiſtances that had been ſent them from the continent; and ſhe ſent over to the queen-mother of France, copies of all the papers ſhe had diſcovered in the poſſeſſion of the duke of Norfolk, and Mary's other friends; and likewiſe of the examinations, by which it appeared pretty plainly, that Mary had given to the court of Spain a preference to that of France. She had likewiſe ordered Buchanan's famous libel upon Mary, called the Detection, together with the ſilver-box letters, and a ſummary of the conſpiracies formed by the queen of Scots againſt the queen of England, to be printed at London (for it is evident they were printed there) and circulated all over Europe; "Becauſe," ſays ſhe, in her inſtructions to her embaſſador in France, "they will ſerve to good effect to diſgrace her, which muſt be done before other purpoſes can be attained." The queen-mother affected to be highly pleaſed at thoſe diſcoveries; but, though unknown to Elizabeth, the ſtricteſt intimacy was then ſubſiſting between the courts of France and Spain. That Elizabeth might be the better impoſed on, the fourth article of the treaty of Blois, which was then concluded between her and the French king, ſtipulated, that no innovation was to be made in the affairs of Scotland, but both parties were to endeavour to reſtore the peace of that country; and Elizabeth

A. D. 1572.

Enquiry Hiſtorical and Critical, p. 74.

Unfair practices againſt Mary.

was

A. C. 1572. was to be at liberty to chaſtiſe thoſe Scots who ſhould harbour the rebels.

Operations of the war in Scotland. Though the French king and his mother were, or appeared to be, diſſatisfied with the preference given by Mary to Spain, yet Elizabeth could not prevail upon them to abandon her. He pretended that his honour muſt ſuffer, if he gave up the cauſe of ſo near a relation; and in conſequence of the above-mentioned article of the treaty of Blois, he had ordered his miniſter to repair to Scotland; and it was while he reſided there, that the infamous maſſacre of the eve of Bartholomew was perpetrated upon the French proteſtants. Notwithſtanding that ſhocking cataſtrophe, Elizabeth never loſt ſight of her favourite ſcheme to divide the Scots among themſelves, in which ſhe perfectly ſucceeded. The civil war in Scotland ſtill went on; the king's party made priſoners a detachment which had been ſhipped at Blackneſs for the aſſiſtance of their northern friends; and every man of them was either butchered or hanged at Leith. Fifty-ſix of the king's party underwent the ſame fate under the cannon of Edinburgh caſtle.

Negociation for an armiſtice; Beſides Randolph and Killigrew, Drury, who was the moſt hated of any man by the Scots, was employed in the treaty of pacification; but though the civil war ſtill continued to rage, Le Croc was ſo aſſiduous in his negocia-

negociations, that an armiſtice was agreed upon from the firſt of Auguſt to the firſt of October. This interval was employed by the Engliſh miniſters in fomenting animoſities among the Scots, and inflaming their differences paſt all hopes of reconciliation. Lord Fleming, who arrived at Edinburgh with a new recruit of money from the continent, had been accidentally wounded, and died on the ſixth of September. Thoſe remittances enabled the loyaliſts within the caſtle to iſſue a ſilver coinage of tolerable fineneſs; while Morton, at Dalkeith, iſſued another of vile adulterated metal, which by proclamation was ordered to paſs current among all ſubjects of Scotland, as if every piece bore the intrinſic value of its denomination. This felonious practice gave a mortal blow to the intereſt and commerce of Scotland, becauſe Morton forced the ſubjects to exchange the ſterling coin of the loyaliſts for his baſe pieces, at their nominal value. A.D. 1572.

Crawford, from the contemporary hiſtorian he made uſe of, condemns the armiſtice lately concluded, as the moſt fatal event, not even excepting the battle of Langſide, that could have happened to Mary. Her friends, by the remittances made them from abroad, were every where victorious. Farnihurſt had recruited his forces, and defeated his enemies in the ſouth. The town of Edinburgh was amply ſupplied with every thing but fuel, and that

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A.D. 1572. was provided from the ruins of their enemies wooden houſes which they pulled down. They were maſters of the communications both by land and water between Leith and Stirling, the two chief places belonging to the king's party. Their enemies durſt not face them in the weſt, and the Gordons ſtill continued to be victorious in the north. According to the ſame authority, the articles of the armiſtice were as follow:

its terms. Firſt, That the regent, nobility, and all other ſubjects of the realm, partakers with them in the preſent troubles, ſhould faithfully promiſe, during the ſaid ſpace, to abſtain from all hoſtility.

Second, That before expiring of the ſaid abſtinence, the nobility and eſtates ſhould convene, and adviſe upon the beſt means to eſtabliſh a final peace; and if any difficulty ſhould ariſe in the ſaid treaty, which amongſt themſelves could not be compoſed, that the ſame ſhould be remitted to the determination of the moſt Chriſtian king and queen of England.

Third, That the town of Edinburgh ſhould be ſet at liberty, and be made patent to all the ſubjects, and no place thereof be withholden or fortified with garriſons, the caſtle only excepted, which before theſe troubles aroſe, was accuſtomed to be kept and guarded with ſoldiers.

Fourth,

Fourth, That all the ſubjects, of whatſoever quality and condition they were, ſhould freely converſe together, without trouble or moleſtation to be offered them by word or deed, excepting ſuch as ſhould be found guilty of the murder of the king his father and regents, the thieves and broken men of the borders and Highlands, with the diſturbers of the public peace betwixt the realms of Scotland and England; none of which ſhould be compriſed in the preſent abſtinence, but remitted to the trial and cenſure of the common law, and whereſoever they might be apprehended, preſented A. D. 1572.

Fifth, and laſt, Becauſe there were divers perſons, who, in the time of theſe troubles, had poſſeſſed themſelves in other mens lands, and the tenths whereof in that ſeaſon were to be collected; to the effect no impediment ſhould be made to the peace intended, it was agreed, that the corns and fruits growing upon the ſaid lands ſhould be gathered and put in granges, or ſtalked up on the fields, and not applied to any private uſe, before the expiring of the abſtinence.

The reader may eaſily ſee from the nature of this armiſtice, which was publiſhed in the name of the nobility and others, ſubjects of the realm of Scotland, "that Scotland was then looked upon as a mere ariſtocracy," no mention being made of the royal power, or Crawford's Memoirs.

A. D. 1572. any authority derived immediately either from the king or queen. The aſſociators undoubtedly conſidered it as invalid; for when it was concluded, the duke of Chatleheraut, the earl Spotſwood. of Huntley, and Mary's principal friends, retired from Edinburgh to their reſpective A treaty. homes. Public thanks were given in the churches for the proſpect of a permanent peace, and the people of both parties, now wearied out by their calamities, moſt earneſtly implored it. Their hopes were ſoon daſhed; for the very day after the armiſtice was proclaimed, the regent and the earl of Morton took poſſeſſion of Edinburgh, placed a ſtrong guard at the high-church, diſarmed all the queen's friends, and voted themſelves to live at free quarters during the armiſtice. Nothing in the intermediate time was done in forming any plan of pacification, to which Morton, by Elizabeth's orders, was totally, though ſecretly, averſe. At laſt, three days before the expiration of the armiſtice, a meeting was held of the nobility on both ſides; and a paper came from Kirkaldy, containing in ſubſtance the following propoſitions:

Ibid. Firſt, He craved a diſcharge to himſelf, and all that were in the caſtle, of all things which they, or any of them, had committed ſince the beginning of the troubles; and that all acts, decrees, and ſentences pronounced againſt them, either in parliament, ſecret council, or before

before the juſtice general, and his deputies, might be declared null and of no effect. A. D. 1572.

Second, That they ſhould be repoſſeſſed in their rooms, heritages and poſſeſſions, without any challenge to be made thereafter of the ſame, by whatever perſon or perſons.

Third, That the heirs of the lord Fleming, the lord of Wormeſton, and others, who were ſlain in the queen's cauſe, might enter to their heritage and rooms, as though they had never been forfeited.

Fourth, That the caſtle of Edinburgh ſhould be conſigned into the hands of the earl of Rothes, with the whole furniſhing, munition, and rent belonging there to the captain, making an account of the jewels, and other goods which he received with the houſe; as alſo, reſtoring all the goods of the people of Edinburgh that were put in his cuſtody; which he was content to do, he being freely diſcharged of all, and ſecured by act of parliament.

Fifth, That the caſtle of Blackneſs ſhould be put in the keeping of ſome one of their ſide, and the rents appertaining thereto aſſigned for the entertainment of a garriſon within the ſame.

Sixth, In reſpect of the great debt he had contracted in theſe wars, he craved the ſum of twenty thouſand marks to be given him for ſatisfying his creditors.

A.D. 1572. Seventh, That the earl of Morton ſhould reſign the ſuperiority of the lands of Grange, (Kirkaldy's patrimonial inheritance) and other lands annexed thereto, to be holden of the crown in all time coming.

And laſtly, that the lords within the caſtle might be licenſed to go into the kingdom of France, or any other country they pleaſed forth of Scotland; and that the earl of Rothes ſhould be ſurety for the accompliſhment of the whole premiſſes.

Elizabeth's great power in Scotland.

Morton found means to puzzle thoſe articles in ſuch a manner, that all but the firſt three were rejected, and the meeting broke up without coming to any concluſion but that of prolonging the armiſtice to the laſt of October, when a new convention to be held at Perth was agreed to. The regent earl eaſily ſaw that this indeciſion aroſe entirely from the influence which Elizabeth had over Morton; and Killigrew confeſſed, in private converſation, that Elizabeth looked upon him as the ſole prop of her intereſt in Scotland. This determined the regent to enter into the views of Mary's party, and that of the moſt moderate noblemen; and he ſummoned a convention of the lords of the council, who he had reaſon to believe would join him in his ſalutary views. In the mean while, he had ſome conferences with Morton, and dined with him at Dalkeith; but ſoon after ſickened and died. His character, as it appears

pears from his actions, was, that he was naturally inclined to be a good patriot, had he not been warped by ambition. The aſcendency that Morton had over him, diſappointed him in his views; for he undoubtedly would have reſtored peace to Scotland, had he ſurvived the fatal banquet which ſome ſay he partook of at Morton's houſe. A.D. 1572.

The regent earl of Mar (dying before his ſon was of age) bequeathed the cuſtody of the king's perſon, and likewiſe that of the caſtle of Stirling, to his lady and his brother. This teſtamentary diſpoſition (which does not appear to have been diſputed at that time) is a ſtrong proof of the anarchy then prevailing in Scotland, as the tutelage of the king could not be deemed a perquiſite of the Erſkine family. His death was ſucceeded by that of the famous Mr. John Knox, the reformer.

Death and character of Knox.

The character of Knox, when candidly and ſeriouſly conſidered, is, perhaps, not to be matched in the hiſtory of the Reformation. Though violent and indecent towards authority, and though intractable to all who oppoſed him, yet he always acted upon principles, which, however miſtaken, were agreeable to his own conſcience. Conſidering the almoſt arbitrary ſway he had over the common people in Scotland, and the many advantages he might have enjoyed, had he ſided with the queen and her friends, I cannot help thinking, that his motions

A. D. 1572. motions of action were diſintereſted. Before his death, which was pious and edifying, he ſent two preachers to perſuade Kirkaldy to change his party, and to abandon Maitland; but his advice was diſregarded.

The earl of Morton choſen regent on the death of the earl of Mar.

Towards the end of November, a convention of the ſtates was held at Perth, and the earl of Morton was choſen regent, ſo far as I can perceive, unanimouſly. The deſtinations of the late regent, during his ſon's minority, were confirmed and approved of. Alexander Erſkine, who was then tutor to the king, was inſtructed to ſuffer no perſon, who was a papiſt, or popiſhly affected, to enter the place of the king's reſidence; but an earl with two ſervants, and a baron with one, all of them unarmed, might have admittance on particular occaſions. The capacity, courage, and activity of Morton, rendered him, undoubtedly, the moſt proper perſon in Scotland to fill the high poſt of regent; but being void of virtue and ſincerity, his elevation did not at all tend to reſtore public tranquillity. The duke of Chatleheraut and the earl of Huntley, willing to contribute towards the reſtoration of peace, agreed to a prolongation of the armiſtice, and the queen's party, in general, ſhewed diſpoſitions for concluding a definitive treaty. The new regent acted with his uſual diſſimulation; and offered Kirkaldy his own terms, if he would deliver up the caſtle of Edinburgh;

Edinburgh; but his offer was rejected, which exaſperated the regent ſo much, that he entered into a negotiation with the queen's lords, on condition they would agree to exclude Kirkaldy from all benefit of the treaty. This offer was moſt unaccountably accepted of by Mary's friends. The lord Lindſay was choſen provoſt, or chief magiſtrate of Edinburgh; and, contrary to the armiſtice that had been lately concluded, he commenced hoſtilities againſt Kirkaldy's garriſon. Kirkaldy, thus ſeeing himſelf abandoned on all hands, intimated to Mary's friends that they ſhould leave the town of Edinburgh; and no ſooner was the time of the armiſtice expired, than he battered the town with great fury. At the ſame time he declared himſelf ready to deliver up the caſtle in ſix months time, provided the definitive treaty was concluded between the two parties; but this offer was rejected by Morton, who was inſtructed by Elizabeth to counteract every meaſure that tended to a coalition of the parties in Scotland. A. D. 1572.

END of the SEVENTH VOLUME.

MVSEVM
BRITAN
NICVM